

TOWN OF CULPEPER PERSONNEL POLICIES AND EMPLOYEE HANDBOOK

(Updated April 11, 2012)



TOWN OF CULPEPER PERSONNEL POLICIES

Revised April 2012

1.0 PURPOSE

It is the purpose of the Personnel Policy & Employee Handbook (herein referred to as "this Handbook") to set forth certain personnel policies and procedures which shall be followed in the administration of personnel of the Town of Culpeper, herein referred to as "the Town." The policies and procedures are intended to establish an efficient, equitable, and functional system of personnel administration based on merit principles which govern the appointment, promotion, transfer, dismissal, discipline, classification, compensation, benefits, and other related conditions of employment. The policies contained herein have been established in accordance with good administrative procedures, which utilize the best practices of the Commonwealth of Virginia, and other local governments. The substance of these policies and the administration of the personnel programs shall be consistent with all Equal Employment Opportunity policies. In case of any potential inconsistency with federal, state or local law, this Handbook will be interpreted in a way so as to be consistent, if possible. If no consistent reading is possible, then any part of this Handbook in direct conflict with federal, state or local law is invalid in any context in which the conflict occurs.

Neither this Handbook nor any other manuals or procedures established by the Town of Culpeper is intended to, nor does it, make any Town employee terminable only for cause. All Town employees remain employees at will.

1.1 Organizations Affected

All Departments of the Town of Culpeper are affected by these policies and procedures.

1.2 Signature of Employee on Receipt

Each employee shall sign a statement showing that he or she received a copy of this Handbook

2.0 APPOINTMENTS AND SEPARATIONS

2.1 Appointing Authority

The Town Manager has the complete authority in selecting Town employees within the budget and personnel limitations as prescribed by Town Council.

2.2 Recruitment

The Town Manager and Human Resources Manager are authorized to make trips as necessary to recruit needed personnel. The Town Manager may authorize an applicant's travel expenses and may negotiate moving expenses for a new employee.

2.3 Employee Selection

- (a) The Town Manager has authority for the final selection of all Town employees, except Appointive Officers. Employees shall be selected solely on the basis of merit and fitness, and without regard to age, race, color, sex, religion, national origin, political affiliation or because of a disability which will not interfere with the performance of the essential functions of the position.
- (b) Employee selection is based upon knowledge, skills, experience, and abilities set forth in the individual position descriptions and related specifications.

2.4 Orientation of New Employees

- (a) The Human Resources Department is responsible for the orientation activities for new employees, familiarizing them with all regulations and policies of the Town and with the general functions of the Town of Culpeper. Department Heads/Supervisors will also provide for orientation as to specific services of the department to which individuals are assigned and for training courses having reference to work assignments and safety procedures.
- (b) All new employees are required to read these policies. Having read the policies, the employee will sign an "At will" statement, indicating that they have read and understand the policies, a copy of which will be placed in the employee's personnel file. (See Appendix IV). Additionally, all present employees shall be given a copy of these updated policies.
- (c) The Town of Culpeper "New Employee Orientation Check List" will be filled out and filed in the employee's personnel file. (See Appendix II)

2.5 Residency Policy for Town Employees

- (a) The Town Manager shall reside in the town.
- (b) All other appointees and department heads shall reside within the County of Culpeper, unless otherwise so agreed upon as a condition of employment.
- (c) The Town Manager, other appointees and department heads shall have up to (6) months to relocate into the town or county upon employment.

3.0 POLICY

3.1 Administration of Policies

The Town Council shall be responsible for establishing personnel policies. Under its direction, the Town Manager shall have the responsibility for administration, supervision and enforcement of the personnel management system with the assistance of the Human Resources Manager. The Town Manager may issue administrative regulations and working rules consistent with these policies. Department Heads shall be responsible for the direction and execution of the personnel management system within that Department and in accordance with the provisions of these policies.

3.2 Application, Amendment, and Deviation of Personnel Policies

- (a) Application of these policies and procedures is effective for all employees of the Town. Persons hired under emergency or contract conditions shall be excluded from the provisions of these policies and procedures unless otherwise stated.
- (b) Amendments to these personnel policies, procedures and practices are subject to change at the Town's discretion in order to maintain their legal compliance, operational effectiveness, and the general scope of desired work-place conditions. Upon amendment of any part of these policies, such amendments will be posted in all Town owned facilities at least five work days before the final approval. Personnel policy amendments shall originate with the Town Manager and be ratified by the Town Council.
- (c) Each employee covered or affected by these policies is responsible for knowledge of and compliance with all provisions contained therein. Violations of these policies and procedures may result in disciplinary action up to and including termination.

3.3 Equal Employment Opportunity

- (a) It is the policy of the Town to maintain a favorable work environment in which employees, regardless of race, color, religion, gender, national origin, sexual orientation, age, physical or mental disability, can enjoy equal opportunities in their employment relationship with the Town. In an effort to maintain equal employment opportunities, the Town has recognized the need to adopt, implement and periodically evaluate its Affirmative Action Program consisting of specific measures to be taken, and its goals and statements.
- (b) Town policy concerning equal employment opportunity requires that:
 - (1) In establishing qualifications for employment, no provisions or requirements will be adopted that would be discriminatory on the basis of such protected characteristics as race, color, religion, gender, national origin, age, sexual orientation, physical or mental disability except to the extent permitted by law and related to such job provisions or requirements.
 - (2) No questions in any examination, application form, or other personnel proceeding, will be so framed as to attempt to elicit information concerning protected characteristics from an applicant, eligible candidate, or employee.
 - (3) No appointment to or removal from a position will be affected in any manner solely by the person's protected characteristics; and further that it will be the responsibility of all employees to abide by and carry out the provisions of the Town's Affirmative Action Program.
- (c) Any employee or job applicant who feels that he/she has been subjected to discrimination by employees, supervisor or agents of the Town, are requested to report the incident or complaint directly

- to the Human Resources Manager, who will investigate and attempt to resolve the matter.
- (d) The Discrimination Complaint (form D) shall be completed and forwarded to the Human Resources Manager. This form may be secured from the Human Resources Department.
 - (e) Any discrimination complaint initiated by a Department Head will be forwarded to the Town's Personnel Committee. The Personnel Committee will review the complaint, conduct its own investigation and report its findings to the full Town Council.
 - (f) Any person, applicant or employee may direct questions regarding Equal Opportunity and Affirmative Action to the Town Manager or Human Resources Manager.

3.4 Departmental Policies

- (a) These policies do not limit the power and authority of any Department Head/Supervisor to make departmental rules, policies and procedures governing the conduct and performance of employees, as long as they are not in conflict with these regulations or any equal employment opportunity policies. This includes the General Orders for the Police Department.
- (b) Departmental personnel rules, amendments, and revisions thereto, and departmental personnel policies and procedures must be submitted to the Human Resources Manager for review should they be challenged as inconsistent with these regulations. If departmental policies are found to be inconsistent, the Department/Head Supervisor will be directed to make any modifications necessary and take appropriate action.
- (c) Department Heads/Supervisors are required to submit their rules, policies and procedures for review by the Town Manager and Human Resources Manager prior to implementation. Departmental rules, policies or procedures which receive approval shall have the force and effect of rules of the Town and disciplinary action may be based upon breach of such rules.
- (d) Where conflicts may arise, the policies and procedures contained in this manual shall prevail.

3.5 Goals of the Personnel Program

It is the policy of the Town of Culpeper:

- (a) To provide, according to its financial ability, a fair and equitable salary for its employees.
- (b) To promote an atmosphere conducive to harmonious relationships so that each day's work may be carried on in a spirit of mutual helpfulness and with a realization that there must be real teamwork on the part of all employees in order to render the best public service.
- (c) To act with integrity and justice towards each employee, recognizing each person's individuality as a human being and his/her right to fair, decent and understanding supervision.
- (d) To provide a good work environment in which all employees are encouraged to participate and cooperate to their mutual benefit and accomplishment.

- (e) To make every effort to furnish decent and safe physical working conditions and reasonable hours of work, holidays, and vacations.
- (f) To help each individual progress in the service of the Town in accordance with his/her capabilities.
- (g) To endeavor to help each employee realize that his/her job is important and respectable and the Town government has an esteemed function in a well ordered society.

4.0 PROHIBITED PRACTICES

4.1 False Statements

No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test held or certificate or appointment under these regulations, or in any manner commit or attempt to commit any fraud preventing the impartial execution of these policies.

4.2 Gifts, Gratuities, Bribes or Rewards

- (a) It is a violation of Federal, State and Town Law for any Town employee to accept a gift from a vendor in return for any consideration given the vendor. Promotional gifts received with an order of material becomes the property of the Town.
- (b) Employees shall not solicit nor accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverages, loans, promises, service or entertainment, etc.) for the benefit of the employees or the Department, if it may reasonably be inferred that the person, business or organization:
 - (1) Seeks to influence action of an official nature which affects the performance or nonperformance of an official duty, or
 - (2) Has an interest which may substantially affect, directly or indirectly, the performance or nonperformance of an official duty.

4.3 Political Activity

Employees are urged to carefully consider participation in any political process which is likely to reduce their professional effectiveness as an employee of the Town or can be construed as having applied political pressure to secure advantage.

4.4 Conflict of Interest

- (a) The Virginia Conflict of Interests Act applies to employees of the Town of Culpeper. Under certain circumstances, it is prohibited for employees of the Town to do business with the Town outside of their regular contract of employment, or for their spouses or any other relative residing in the same household to have a personal or financial interest in any contract made with the Town. Employees who feel they may have a potential conflict of interest, must bring the matter to the attention of the responsible Department Head for a final determination.
- (b) Hiring of Relatives – The Virginia State and Local Government Conflict of Interest Act provides that members of an officer's or an

employee's immediate family may be employed in the employee's division, department or agency only under the following conditions:

- (1) The employee does not participate in the decision to hire the employee's immediate family member;
 - (2) The employee exercises no control over the employment or the employment activities of his/her immediate family member; or
 - (3) The employee is not in a position to influence the employment activities of his/her immediate family member.
- (c) By law, no employee may exercise any control over the employment or the employment activities of a member of his/her immediate family if that family member is expected to make \$10,000 or more annual pay from the same governmental body. As applied by this Personnel Policy, no Town employee may supervise an immediate family member and no Town employee can be in a position to exercise control over an immediate family member as an administrator.
- (d) For the purposes of this policy, the following definitions apply:
- (1) An officer's or an employee's immediate family is defined to include: spouse; and
 - (2) Son, daughter, father, mother, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-, father-, son-, daughter-, brother-, and sister-in-law, step-mother; -father, -son, -daughter, -sister, -brother, foster parents, and half-sister or –brother.
- (e) If the relative relationship which violates this policy is established after employment, the two employees involved shall decide who is to seek a change in position, if a position is available for which the individual qualifies, or who is to leave Town employment. If a decision is not made within 30 calendar days, the Town Manager shall make the decision.
- (f) Department directors shall ensure that this policy is enforced when making recommendations for employment, promotions, transfers, or demotion. Any concerns or questions regarding an applicant's or employee's eligibility under this policy shall be directed to the Town Manager.

4.5 Outside Employment

- (a) Town employees may hold employment or operate businesses, during non-duty hours, provided the employment or business does not cause conflict of interest, does not reflect unfavorably upon the Town, does not impair the employees ability to perform their Town duties, and is not performed in Town facilities or with Town supplies and equipment. Employees are required to request approval from their respective Department Head before engaging in any outside employment.
- (b) If such outside employment affects the employees regular employment with the Town, the responsible Department Head may require the employee to discontinue such employment or initiate appropriate disciplinary or personal measures.

4.6 Holding Two Town Jobs

- (a) Employment of persons in more than one Town job is not encouraged. However, it is recognized that there may be times when it is advantageous both to the Town and to the employees that they be allowed to work in two capacities.
- (b) The Department Head who wishes appointment of a Town employee to a second Town job shall consult with the Town Manager and other affected Department Heads prior to taking any action. After approval of the Town Manager and other Department Heads, the requesting Department Head shall send a memorandum to all those involved which sets forth the situation and requests regular appointment procedures to be instituted.

4.7 Lending Town Owned Equipment and Tools

Lending Town owned equipment and tools to contractors, other localities and private individuals is prohibited, except as provided below:

- (a) Under mutual aid agreements.
- (b) When an occasion should arise where a contractor working for the Town has an equipment failure and the use (rental) of Town equipment is needed to relieve the situation, is deemed appropriate.
- (c) When it is deemed to be in the best interest of the Town. Deviation of this policy requires prior approval of the Town Manager.

4.8 Sexual Harassment

- (a) Title VII of the Civil Rights Act of 1964 provides that it shall be an unlawful discriminatory practice for any employer, because of the sex of any person to discharge, refuse to hire, or otherwise discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of any employee on the basis of sex violates this federal law.
- (b) To help clarify unlawful sexual harassment, the Federal Equal Employment Opportunity Commission has issued Guidelines on the subject. Those Guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute unlawful sexual harassment when:
 - (1) Submission to sexual conduct is an explicit or implied term or condition of an individual's employment;
 - (2) The submission to or rejection of sexual conduct by an individual is the basis for any employment decision affecting the individual; or
 - (3) Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose of unreasonably interfering with an individual's work performance or create an intimidating, hostile, or offensive working environment.
- (c) The Town of Culpeper strongly disapproves of any form of sexual harassment at the workplace, including acts of non-employees. Disciplinary action will be taken promptly against any employee, supervisor or otherwise, engaging in unlawful sexual harassment.

- (d) Complaint Procedure
 - (1) Any employee who feels that he/she has been the victim of sexual harassment should contact their immediate Supervisor/Department Head within 300 days of the incident. If the accused is the immediate Supervisor/Department Head, the employee may then report such action to the Human Resources Manager or Town Manager.
 - (2) Upon receipt of the complaint, the Human Resources Manager will conduct a thorough investigation of the complaint, including possible interviews with all parties involved.
 - (3) After reviewing the facts of the investigation, the Human Resources Manager will determine whether sexual harassment has occurred. Both parties will be notified of the Human Resources Manager's decision.
 - (4) If it is determined that sexual harassment has occurred, appropriate disciplinary action up to and including discharge will be taken. The severity of the discipline will be determined by the severity and frequency of the offense, or other conditions surrounding the incident.
 - (5) An employees' failure to report the occurrences of sexual harassment within 300 days may be deemed a waiver of Town action.
- (d) An employee also has the option to register such complaints with the Federal Equal Employment Opportunity Commission.

4.9 Use of Town Owned Vehicles

- (a) Designated Town employees and members of Council are authorized to operate Town owned vehicles. Such vehicles shall be used only in the conduct of official Town business.
- (b) The following administrative policies/operating procedures shall apply to all who use Town-owned vehicles not assigned to the Police Department.
 - (1) Only members of Council or Town employees are authorized to operate Town owned vehicles.
 - (2) All vehicle operators must possess a valid Virginia operators license for the class of vehicle they operate.
 - i. Drivers must maintain a favorable driving record as determined by annual review of their Motor Vehicle Record (MVR).
 - ii. Drivers with more than five (5) demerits and/or two (2) moving violations in a 12-month period will not be permitted to operate a vehicle for Town business.
 - (3) Private use of public vehicles is expressly prohibited.
 - (4) Specialized equipment shall be used only for the purpose for which the equipment is designed.
 - (5) Employees are required to obey all traffic and safety laws while operating a vehicle for Town business.
 - i. Any vehicle operator who is guilty of any infraction of the traffic and safety laws of the Town or the

Commonwealth shall be solely responsible for any fines or liabilities resultant there from.

- (6) Council has granted the Manager the discretion to schedule the use of emergency vehicles. This is a major responsibility that Council has entrusted to the Manager and one that cannot be taken lightly or abused. Therefore, only a limited number of vehicles will be scheduled for emergency dispatch. All who are authorized this dispatch are to use good judgment, judicious use, and strict adherence of this policy in their use of these vehicles.
- (7) Specific vehicles are assigned to personnel who are on-call on a twenty-four (24) hour basis for the many and varied emergencies which occur after duty hours or on weekends and holidays. These vehicles are on twenty-four (24) hour dispatch to the assigned individual. These vehicles may not be dispatched out of Culpeper County without the written permission of the Town Manager.
- (8) The employees are not authorized to transport members of their families or their friends on a personal use basis. The use of these vehicles for personal trips is prohibited. De minimus use such as securing lunch is permitted.
- (9) Administrative cars for Council and staff use.
 - (a) These vehicles have been assigned to upper management personnel for maintenance and security purposes. The operating conditions set forth in paragraphs one (1) through five (5) above also apply to these vehicles.
 - (b) These vehicles are primarily to be used during duty hours only; however, these vehicles can be placed on twenty-four (24) hour dispatch for special requirements or out of Town trips.
- (10) It is the responsibility of all vehicle operators to immediately report any malfunction or apparent equipment failure and/or damage to the Department Head responsible for the vehicle. Any damage to the property of the Town or others by a Town owned vehicle shall be reported immediately to the responsible Department Head.
- (11) Any variance from these operating policies requires the prior approval of the Town Manager.
- (12) Town employees who fail to comply with these procedures will receive disciplinary action up to and including termination.
- (13) Employees should always be cognizant that the vehicle has a Public Use (Service) license plate and the Town of Culpeper Seal and therefore, should be a courteous and defensive driver at all times.

4.10 Telephone Calls, Visitors, and Personal Letters

- (a) Telephone calls, use of cell phones, mail, and visitors, which are of a personal nature, should be held to a minimum. It is

- recognized that personal emergencies may arise occasionally, but such emergencies should not interfere with the employee's work.
- (b) Employees may not have their personal mail sent to their place of work except in an emergency situation which may require such delivery.
 - (c) Personal Long Distance telephone calls are to be reported to the Treasurer so that collection action may be taken.

4.11 Drugs, Narcotics and Alcohol Policy

- (a) The Town of Culpeper recognizes that alcohol and drug abuse has become a serious problem across America. It is therefore, the goal of the Town to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, and to protect the safety of its citizens by providing the highest quality of service.

The Town is committed to assisting employees who may be experiencing problems with drugs and alcohol. Our desire to assist employees does not relieve us of our responsibility to maintain a drug-free workplace. The use of alcohol, illegal drugs, or the misuse of prescription drugs is not acceptable in the Town workplace. Such behavior seriously affects job performance and can create danger to citizens and coworkers. In addition, the use of illegal drugs is not acceptable at any time or place. The policies and regulations pertaining to a drug-free workplace must be followed by all employees in the Town.

- (b) It is the policy of the Town of Culpeper that all Town work sites shall be maintained as drug-free workplaces.

No employees shall unlawfully manufacture, distribute, dispense, possess, or use on or in the workplace, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C.s812) and as further defined by Federal regulation CFR ss1300.11 through 1300.15.

- (1) "Workplace" is defined to mean any site for the performance of work by the employee, including but not limited to any Town building or premise, any Town-owned vehicle or equipment, any building or premise used by the Town for Town business, and any non-Town property during any Town-sponsored or Town-approved activity, event, or function. "Workplace" also includes all Town-owned property such as, but not limited to offices, desks, lockers, safes, file cabinets, tool boxes, etc.
- (c) As a condition of employment, each employee shall notify his/her supervisor of his/her conviction of any criminal drug statute no later than five (5) days after such conviction.

- (d) As a condition of employment, each employee shall abide by the terms of this Town policy and regulations respecting a drug-free workplace.
- (e) All Town work sites and all Town-owned property is subject to drug detection inspection at the discretion of the Town.
- (f) The possession and/or consumption of illegal drugs or alcoholic beverages in the workplace is prohibited. Violation of this policy and regulations will result in appropriate disciplinary action up to and including termination.
 - (1) Employees shall not appear for duty, or be on duty, while under the influence of intoxicants or drugs to any degree whatsoever.
 - (2) Supervisors who have reasonable suspicion that an employee is under the influence of intoxicants or drugs shall report the suspicion immediately to the Human Resources Manager.
 - (3) Reasonable suspicion, for purposes of this Policy, must be based on observations such as an odor of alcohol, inappropriate emotions, or loss of coordination. See Appendix I for additional information.
- (g) All employees will be required to sign a written receipt that they have received a copy of this policy.
- (h) Drug & Alcohol Testing: Drug and/or alcohol tests shall be required in the following cases.
 - (1) Where an applicant for any full time Town position has been given a conditional offer of employment, subject to passage of a drug screening;
 - (2) Where an employee is a Town position critical to the safety and security of employees or citizens has been selected for a random drug screening by a computer-based program;
 - (3) Where there is reasonable suspicion that a Town employee, regardless of position or employment status, is under the influence of illegal drugs or alcohol; or
 - (4) Where a Town employee, regardless of position or employment status, has been authorized to return to work at the recommendation of the Town's Medical Review Officer (MRO) and the Town Manager after testing positive for drug or alcohol use and referral to an employee assistance program; testing may occur on an unannounced basis for 18 months after the employee returns to work.
 - (5) As required by the Omnibus Transportation Employee Testing Act of 1991. Regulations of the Federal Highway Administration (49 CFR, Parts 40 and 382, et al). All employees and applicants who hold or are offered a position that requires a Commercial Driver's License (CDL) as a condition of employment and continued employment will be tested for drugs and alcohol under the following conditions:

- (a) Pre-employment
- (b) Random selection
- (c) Post-accident
- (d) Reasonable suspicion
- (e) Return to work after testing positive and follow-up

A refusal to immediately submit to a drug test when requested under the circumstances above or a verified finding of alcohol or illegal drug use may result in withdrawal of a conditional offer of employment or disciplinary action up to and including termination. The list of Town positions determined to be critical to the safety and security of employees or citizens for purposes of this policy are contained in Attachment A and may be periodically revised by the Town Manager.

5.0 PERSONNEL

5.1 Responsibility

The Town Manager shall have responsibility for the overall supervision of the personnel program. The Human Resources Manager shall oversee the processing and maintenance of all personnel records and files and confidential personnel information, and shall act as custodian of all such files. Only authorized personnel shall have access to employee records. The Town Manager, Department Heads/Supervisors, and employees of the Human Resources Department are the only persons authorized to review personnel files within their Departments, other than employees who desire to see their own file.

5.2 Personnel Reports

Any appointment, transfer, promotion, dismissal and other changes in the status of employees shall be reported to the Town Manager, in writing, for final approval.

5.3 Personnel Records

- (a) The Human Resources Department is responsible for maintaining personnel records containing all documentation pertaining to each employee's employment record. Employees may request to review their record at any time upon reasonable notice to the Human Resources Manager.

5.4 Procedures for Establishing a Position

Persons may not be employed unless there are positions in which to place them. When a Department Head determines that an additional position is necessary in order to carry out the work program of that department, a written request shall be submitted to the Town Manager justifying the action. If the Manager approves the request, a copy of the approved request will be forwarded to the Town Council for their approval and funding.

5.5 Two Incumbents in One Position

There are two conditions under which a position may be occupied by two employees at the same time.

- (a) The appointment of a new employee in the same classification held by another employee may be made for a reasonable time before termination so that the new employee can be trained in that position. The Department Head should work out a reasonable period of overlap with the Town Manager.
- (b) When employees are on approved extended leave, their positions may be treated as vacancies during the period of leave. The request for an overlap of incumbents must be explained carefully on the Personnel Requisition Form. The department must be sure it has sufficient funds to pay both employees, if the employee on leave is in a pay status. Any person hired to fill in where another is on leave must be informed at the time of employment that the job is temporary. Such temporary employees shall not be entitled to any fringe benefits, and their employment is limited to 1,500 hours worked in a 365 day period.

5.6 Applications and Employment

- (a) All applications for employment to a position with the Town shall be made on the prescribed forms and shall be filed on or before the closing date specified for such position. All applications shall be signed, certifying the truth of the statements contained therein.
- (b) Solicited employment applications shall be kept on file for a period of three years, at which time they will be destroyed, unless the applicant requests in writing that their application be kept on file. All non-solicited applications will be kept on file for one year, then destroyed.

5.7 Written Examinations

Written examinations may be required by certain departments. Department Heads will be responsible for scheduling and administering all examinations. The results of such test will be maintained in a confidential file and only released to those who possess a need-to-know to have access to the test results.

5.8 Physical Examinations

- (a) All prospective employees for certain positions may be required to pass a pre-employment physical examination. The Department Head or Human Resources Department shall schedule an appointment with the Contract Physician before an offer is made for hire. All applicants must pass a drug/alcohol test before an offer is made. Audiograms may be required annually for certain employees. Also special examinations to include a polygraph, may be required as pre-employment conditions for certain positions, based upon an opinion from the Town Attorney, which occurs with the justification for the examination for the positions being filled.
- (b) Department Heads shall develop a written list of positions which require a physical examination, audiogram or special examination.

This list will be maintained on file in the Human Resources Department and each individual department.

5.9 Types of Appointment

The following types of appointments may be made to the Town of Culpeper:

- (a) Full-time Permanent: A full-time permanent employee works full-time and on a regular basis. The employee is entitled to all benefits and rights as provided by these regulations.
- (b) Part-Time:
 - (1) A Classified Part-Time employee is scheduled to work less than 25 hours per week and is paid at any hourly rate. Classified Part-Time employees are paid for hours actually worked. They are not paid for holidays unless they are scheduled or called into work, and they are paid at their regular hourly rate. They do not receive vacation or sick leave. Classified Part-Time employees receive limited benefits. Limited benefits consists of : Attendance at Town Banquet, Town payment of Workers' Compensation, Participation in the Town's performance process, eligibility for merit increases and payment of Social Security.
 - (2) Part-Time Permanent - A part-time permanent employee is scheduled to work on an average over 25 hours a week during the year. Part-time permanent employees are paid for hours actually worked. They are eligible for pro-rated holiday pay for holidays that fall on a regularly scheduled work day. After one year of employment with the Town they are eligible to receive pro-rated vacation leave and pro-rated sick leave. Part-time permanent employees also receive the following benefits: Attendance at Town Banquet, Town payment of Workers' Compensation, Participation in the Town's performance process, eligibility for merit increases and payment of Social Security.
- (c) Temporary or Seasonal: A temporary employee is one who is employed for a limited term. The term may be for a one-time need, or it may recur each year, thereby being called seasonal. Incumbents of these positions receive no benefits and are paid for hours actually worked.
- (d) Transfer: Employees may be transferred:
 - (1) If they meet the requirements for the positions to which they are transferred.
 - (2) If it is in the best interest of the Town, at the time. Department Heads may transfer employees from one position to another in the same pay class within their own department. The transfer of an employee to a position in another department shall require the approval of the Town Manager.
 - (3) To other positions within the Town if the Supervisor or Town Manager determines that they can perform a more valuable service in a different position. The transfer can be without an employee's consent, but an explanation may be

provided, if requested, to the affect employee. An employee may also request a transfer.

- (4) There shall be no change in salary as the result of a lateral transfer.
- (5) When an employee is transferred into any position, other than moving within the same classification and range level, the employee shall be paid at an amount within the range based on qualifications in the new position and the new anniversary date shall change.
- (6) All transferred employees are required to serve a six month probationary period.
- (e) Promotions: A promotion is the change of an employee from one pay level to another pay level having greater responsibility and having a higher minimum and/or maximum rate of pay. Employees who are promoted shall have their salaries increased to an amount within the range based on qualifications in the new position.. It is the policy of the Town to employ the best qualified applicant for a vacant position and to promote from within when qualified employees are available for promotion. No employee is assured of a promotion simply because of being a current employee or because of more service than other applicants. All promoted employees are required to serve a six month probationary period.
- (f) Re-employment: When employees are re-employed within one year after termination in a class in which they were previously employed, they shall be paid within the pay range of the position. For evaluation purposes, their anniversary date shall be one year after the date of re-employment. Any person re-employed within 90 days after termination shall, in addition, be given their previous anniversary, delayed by the number of days absent, and shall have their previous benefits reinstated.
- (g) Demotion: A demotion is the change of employees from one pay level to another pay level having a lower minimum and/or maximum rate of pay. Employees who are demoted may have their salaries reduced by five (5) percent or to the maximum of the lower position to which demoted, whichever is the lesser. Future pay increases would be limited to the maximum of the lower pay level. All demoted employees are required to serve a six-month probationary period. Employees may be demoted for the following reasons:
 - (1) Their performance in their present job is unsatisfactory.
 - (2) Any department reorganization by the Town Manager which changes responsibilities or duties.
 - (3) When an employee would otherwise be laid off because the position is being abolished, lack of work, lack of funds, or other organizational changes.
 - (4) When an employee voluntarily requests such demotion; or
 - (5) For the good of the Town service.
- (h) Reclassification
 - (1) Upon an upward reclassification/reallocation of a position, an employee shall receive the greater amount of either the

minimum rate for the new salary range or an increase to their current salary of five percent per grade. Periodically the Town may implement comprehensive revisions to the pay and classification plan whereby adjustments to employee's individual pay may be based on years of service in the current classification.

- (2) Upon a downward reclassification/reallocation of a position, an employee shall be placed in the new range equal to his/her current rate of pay so that the employee is not penalized by a reduction in pay. When the employee's rate of pay prior to reclassification exceeds the maximum amount of the new, lower range, the employee's rate of pay shall be frozen at the existing rate of pay until the pay of the lower range matches or exceeds the employee's rate of pay from the date of reclassification/relocation.
- (i) Acting Capacity
 - (1) When an employee is required to work in the capacity of a higher –level supervisory position due to an anticipated absence over a period of time exceeding 30 days, such employee may be paid additionally for assuming the higher-level duties.
 - (2) Requests for “acting pay” shall be made in writing by the department director and submitted to the Town Manager for approval.
 - (3) The temporary salary adjustment for the period of assignment to the higher-level position shall be determined by the Town Manager.

5.10 Employment Date

The employment date is the date the new employee first reports to work. This date shall be considered the employee's anniversary date for evaluation purposes, to include any probationary period served.

5.11 Probationary Period

- (a) Each employee, except police personnel, must successfully complete at least a 180 day probationary period. Police officers must complete a one (1) year probationary period from completion of field training if uncertified when hired. The probation period for certified officers shall be one year from the start of employment.
- (b) The probationary period is an integral part of the examination process and shall be utilized by the Department Head to train, aid and evaluate the new employee. At any time during the probationary period, the Department Head or the employee may elect to terminate employment. The Department Head, with Town Manager approval, may extend the probationary period.

5.12 Anniversary Date

The “Anniversary Date” shall be the date the employee begins employment. This date shall be considered the date for evaluation purposes. If a change in position occurs (i.e.: promotion, transfer, or

change in status – part-time to full-time), at that time the employee will have a new evaluation and anniversary date.

5.13 Precedence of Law

Whenever any Town personnel policy conflicts with a law or with a policy of the State or Federal Governments, the laws or the policy of the higher authority shall apply.

6.0 PAY & CLASSIFICATION PLAN

6.1 The Pay Plan

The Town Council is responsible for:

- (a) Developing a pay plan with an appropriate number of pay levels. The pay plan includes the classification plan.
- (b) Assigning all positions to pay levels within the classification plan based upon a careful analysis of the requirements of the positions. When assigning salary ranges, consideration shall be given to prevailing rates of pay for comparable work of other public and private sector positions, the current cost of living, the duties and responsibilities of the positions, and the Town's financial condition and policies.
- (c) Developing an evaluation program by which employees may progress.

6.2 Maintenance of the Plan

- (a) A general review of the entire plan by the Town Manager is required each year prior to the submission of that year's final budget requests to Council.
- (b) Significant change in duties, responsibilities, working conditions, or other factors shall be considered during the annual review of the pay plan.

6.3 Pay Scale

- (a) The Town's pay plan includes a pay scale which contains basic entry and maximum pay levels. The plan may include a range of steps from the basic to the maximum steps to adequately compensate the employees covered by the classification plan.
- (b) The Town Manager is authorized to employ personnel at a level up to the mid-point of the pay grade of a position. Employees hired above the mid-point level must have approval by Town Council.

6.4 Pay Days

- (a) All salaries to be paid by the Town shall be paid by checks of the Town Treasurer, upon receipt of time sheets furnished by the Department Head and approved by the Town Manager.
- (b) All employees are paid bi-weekly. The Town's pay week begins at 12:01 a.m. on Thursday and runs through 12:00 midnight the following Wednesday. The payday shall be on Wednesday, one week from the end of the pay period.

- (c) Beginning July 1, 2002, all new hires shall be paid by direct deposit of paychecks.
- (d) Beginning January 1, 2003, all employees may be paid by direct deposit of paychecks.

7.0 COMPENSATION

7.1 General

The Town uses the following plans for the management and compensation of all employees in all positions and pay grades.

- (a) Approved Pay Plan
- (b) Approved Classification Plan
- (c) List of Classifications which would be exempt from the provisions of the Fair Labor Standards Act.

7.2 Responsibility

It shall be the responsibility of the Department Head/Supervisor to ensure that all employees are equitably compensated for their services to the Town. The Town Manager shall be responsible for interpreting any pay problems which are not specifically covered by these regulations.

7.3 Overtime Pay and Holidays

Employees who work in excess of forty hours in one payroll week will be compensated in the manner described below.

- (a) **Exempt employees:** Employees designated as Department Heads or equivalent positions as identified in the Employee Classification Plan are not eligible for overtime or holiday pay nor compensatory time earned. Such employee may be granted administrative leave by the Town Manager, when in his judgment such leave has been earned. All other employee positions listed on the Employee Classification Plan, which are designated as exempt in accordance with the definitions contained in the Fair Labor Standards Act (FLSA), are not eligible for overtime or holiday pay but shall be granted leave when leave has been earned. Flex-time credits may be requested on an hour-for-hour basis for hours worked in excess of 40 hours per week. Maximum accumulation of flex-time credits is 40 hours, except for law enforcement personnel who may accumulate up to 80 hours of flex-time. All unused credit shall lapse 12 months from date of accrual.
- (b) **Non-Exempt/Hourly Employees:** Employee positions designated as non-exempt in the Employee Classification Plan and in accordance with the definitions contained in the FLSA shall be compensated at their hourly rate for each hour worked, up to 40 hours in any one payroll weeks. Non-exempt/hourly employees shall receive overtime at a rate of one and one-half times their regular rate for any time actually worked over 40 hours per payroll week. Such employees also receive holiday pay.
- (c) A non-exempt employee may, at his or her option, earn compensatory time at a rate of one and one half hours for all hours actually worked over 40 hours per payroll week instead of

receiving the overtime payment for such hours. Maximum accumulation of compensatory leave credit is 40 hours. Any employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours worked. A non-exempt employee shall be permitted to use accrued compensatory time within a reasonable period not to exceed twelve months after it is earned, if to do so would not unduly disrupt the operations the department.

(d) Holiday pay for non-exempt employees who are scheduled or called into work on days designated as Town holiday, shall be paid at their regular rate of pay for hours actually worked, unless the employees worked over 40 hours in the payroll week. In the latter case, employees are to be paid at the overtime rate.

7.4 Optional Work Period for Law Enforcement Personnel

- (a) Law enforcement personnel are defined as members of a body of officers, who are empowered to enforce laws, have the power of arrest, and have undergone (or are undergoing) on-the-job training or similar instructions.
- (b) Work periods of 28 consecutive days with tours of duty not exceeding 160 hours worked and work periods of 7 consecutive days not exceeding 40 hours worked for law enforcement personnel are to be used for these positions.
- (c) Overtime is paid only for those hours worked over 160 hours. No overtime pay is due for time in excess of 8 hours in any work day under this option.
- (d) Non-exempt law enforcement personnel may elect compensatory leave credits in lieu of overtime pay if they so desire. If the non-exempt law enforcement persons elects compensatory leave credits in lieu of overtime pay, hours worked in excess of 171 and 43 per work period shall be paid as overtime pay. Compensatory leave credits may be requested if the new balance will not exceed 80 hours. .
- (e) If a Town designated holiday is worked by a law enforcement employee, the employee may elect payment or take time off at a later date.

7.5 Meal Allowance

The Town shall furnish meal allowances to all employees under the following conditions:

- (a) An employee shall be reimbursed for meals purchased during emergencies when such emergencies occur during nonscheduled working hours. No meal allowance will be paid for scheduled overtime work.
- (b) When an employee is out of the Town jurisdiction conducting Town business.
- (c) The Department Head/Supervisor shall be responsible for seeing that designated employees receive meal allowances, when necessary.

7.6 Mileage Allowance

Travel in employee owned and/or operated vehicles will be reimbursed at the prevailing State rate. Prior approval of the Town Manager shall be required for such use of employee owned vehicles.

7.7 Payment For Standby and Call Back

- (a) In order to respond to emergency calls during non-scheduled hours, there is hereby established a pay for standby and call back policy. An employee assigned this status will be provided a cell phone and is expected to be available to report to work if contacted by an appropriate Town official or is otherwise notified of a problem within his area of responsibility. It is expected that if paged, the employee will respond immediately.
- (b) An employee on standby status will be compensated one hour of pay at the straight rate for every 16 hours that the employee is on standby status.
- (c) If called back to work, the employee will be paid additionally for the actual time at work in increments of 15 minutes.
- (d) This provision applies to employees in the Public Works and Light & Power Departments. Rules concerning Detectives in the Police Department are guided by Police Department Policies, "Criminal Investigation Division: On-Call Procedures".

7.8 Weather Emergency Policy

Occasionally, the Town Manager may close the Town offices for a period of time due to extreme weather conditions making travel and the conduct of normal business hazardous. The absence of employees under these conditions shall not be charged to earned leave. Workers engaged in providing essential services and responding to the weather emergency will receive additional compensatory time on an hour for hour basis for those hours worked during the emergency, up to eight hours. This compensatory time should be taken within 30 days if scheduling permits. Workers providing essential services or engaged in efforts to respond to the weather emergency, who do not report to work, shall be charged with the appropriate leave category or leave without pay.

8.0 BENEFITS AND WORKING CONDITIONS

8.1 General

- (a) The Town's employee benefits provisions have been designed with the health and well-being of its employees in mind. While leave privileges and other benefits add to the security of its employees, they also aid the Town in attracting and retaining capable employees.
- (b) Employees are expected to consider the needs of the Town in requesting leave and utilizing the leave provisions wisely.
- (c) Should emergencies arise and the requirements of the Town demand it, leave may be suspended temporarily in order to meet these needs. Full-time employees shall begin to accrue benefits from their initial employment date.

8.2 Attendance

- (a) Work attendance is an indication of the employee's sense of responsibility and serves an important basis for advancement in Town service. There will, however, be times when an employee must be absent or late reporting to work.
- (b) All employees have the responsibility for notifying their Department Head/Supervisor prior to and no later than the time they are scheduled to report for work. Failure to notify the responsible Department Head/Supervisor prior to unauthorized leave of absence or other disciplinary actions, such as unsatisfactory evaluation ratings, postponed evaluation increases, suspension without pay, or in extreme cases, dismissal.

8.3 Work Hours

- (a) The Town requires that every full-time employee work a minimum of forty (40) hours per week, except when on authorized leave. Department Heads have the authority to establish basic work weeks that require a minimum of forty (40) hours. The hours for the Municipal Offices are from 8:00 a.m. to 5:00 p.m., Monday through Friday, with one hour for lunch. The lunch period is not considered as part of the minimum of forty hours required each week. Departments may establish other work schedules, with the approval of the Town Manager. The Town Manager may authorize exceptions for Municipal Office employees when appropriate. The hours for reporting to work and leaving may also be different in individual departments.
- (b) If an employee works for a Department where services must be provided on a 24-hour day, 7 day-week basis, the work schedule may vary from one week to the next, and rest days may not be the same each week. Work schedules are determined by the Department Head according to the staffing requirements of the Department.
- (c) Formal break periods, not exceeding fifteen minutes in the morning and fifteen minutes in the afternoon, may be provided for employees in a department. A department is not required to provide break periods. If break periods are provided, they are considered part of the minimum work hours required per week and cannot be saved and used to cover extended lunch hours, late arrivals, early departures or other time off with pay.
- (d) An employee is expected to conform to the established work schedule of their Department, including lunch and break periods. Transportation problems or other personal problems are not a reason for changing work schedules or excusing habitual late unauthorized tardiness, extended lunch periods, early departures, etc.; these may be charged to an employee's annual leave balance at the discretion of the Department Head/Supervisor depending on the circumstances surrounding the unauthorized absence. Annual leave is not designed for habitual use of this kind, however, habitual unauthorized absences may result in disciplinary action such as unsatisfactory evaluation ratings,

postponed evaluation increases, suspension without pay, or, in extreme cases, dismissal.

8.4 Courtesy and Ethics

The impression that each employee makes on Town citizens affects their impression of the Town as a whole. Employees are encouraged to make a good impression on everyone with whom they come in contact. If employees have occasions to deal with unreasonable persons or ones whose problems they cannot solve, they should be referred to the employee's Department Head/Supervisor for assistance in resolving the matter.

8.5 Holidays

- (a) All full-time, salaried employees shall be entitled to the following holidays with pay, namely:

<u>Holidays</u>	<u>Date Observed</u>
New Year's Day	January 1 st
Lee Jackson Day	Friday Before Martin Luther King Day
Martin Luther King Day	Third Monday in January
George Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11 th
Half-Day Wed before Thanksgiving	Wednesday before Thanksgiving
Thanksgiving Day	Fourth Thursday in Nov.
Friday after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 th

- (b) Holidays that occur on a Saturday will be observed on the preceding Friday, and Sunday Holidays will be observed on the following Monday.
- (c) Should a holiday occur during an employee's scheduled vacation, the employee may either receive a paid holiday absence for the day, or extend the vacation period by the number of holidays occurring during the scheduled vacation period.
- (d) Additional time off for the Christmas and New Year's holidays will be granted to Town employees each year based on the Commonwealth of Virginia's holiday schedule.

8.6 Vacation

- (a) Eligibility
- (1) All salaried employees are entitled to paid vacations in accordance with the provisions below.
 - (2) For purpose of computing leave allowances at the end of the calendar month in which an employee is hired or separated, full credit shall be granted if the employee is hired on or before the 15th day of the month, and full credit

shall be granted if the employee terminates after the 15th day of the month.

- (3) Vacation credits are accrued on the last calendar day at the end of each month, in accordance with the schedule listed below.

- (4) Part-Time Permanent – pro-rated pay for vacation.

(b) **Accrual of Credits**

<u>Years of Service</u>	<u>Monthly Credit Hrs.</u>	<u>Max. Days Accum.</u>
0 to 5 years	8	24
over 5 to 10 years	10	30
over 10 to 15 years	12	36
over 15 to 20 years	14	42
over 20 years	16	48

- (c) Vacation credits may be accrued not to exceed, at date of separation or at the end of the yearly payroll period (i.e. pay period that includes Dec. 31), twice the amount which can be earned in one year based on the employee's year of service. Employees may continue to accrue and take vacation leave beyond the stated maximum amounts during any calendar year, but may not exceed the maximum allowable accumulation as of the audit date. Full-time, salaried employees who leave the Town in good standing will be paid for any unused vacation leave balances not to exceed the maximum allowable accumulations for their service category. Employees who are in leave without pay status do not accrue any vacation during that period of leave, except personnel on military duty as mandated by law.
- (d) If employees are in an unpaid status for more than the equivalent of one-half of the working days of a month, they do not accrue leave.
- (e) Vacation leave with pay may not be granted before it is earned, unless there are extenuating circumstances that are approved by the Town Manager.

8.7 Use of Vacation

- (a) Should employees leave the Town service before the end of the first six months, they are not entitled to payment for vacation credits.
- (b) Each Department Head/Supervisor shall keep records of vacation leave credits and use, and shall schedule vacation leave with particular regard to the work demand of the employee's assignment as well as overall departmental requirements. However, vacation is to be granted for the period requested, unless it seriously impairs departmental activity.
- (c) When employees are transferred, promoted, or demoted, all unused balances of vacation credits shall remain to their credit as though no changes had occurred.

8.8 Sick Leave

- (a) All salaried employees who have completed one month of service are entitled to sick leave with pay.
- (b) The limits of paid sick leave are determined by the amount of sick leave credits which employees have accrued. The accrual of sick leave credit can be, and is encouraged to be accumulated.
- (c) Part-Time Permanent Employees – pro-rated pay for sick leave.

8.9 Eligibility

- (a) Employees in full-time positions with the Town for more than one month may be allowed sick leave with pay up to the amount accrued, provided they report their condition to the Department Head/Supervisor at the earliest opportunity, but no later than their scheduled starting time.
- (b) Employees who must leave work due to illness should advise their Department Head/Supervisor prior to leaving. In the event the Department Head/Supervisor is not available, the message should be forwarded to the supervisor through a fellow worker.
- (c) It is the responsibility of every employee to report the circumstances of the sick leave, recovery progress and probable duration. Department Head/Supervisors are responsible for verification, reporting and record keeping of sick leave.

8.10 Accrual of Credits

- (a) Sick leave credits are accrued at the rate of 10 hours per month (1 ¼ days). Employees who are in a leave without pay status do not accrue any sick leave during that period of leave, except personnel on military duty as mandated by law.
- (b) Employees who are in leave without pay status do not accrue any sick leave during that period of time
- (c) In the event an employee returns to work with the Town within one (1) year from the date of termination, the employee will receive one-half (1/2) of the sick leave accumulated at the time of separation. This does not apply if the employee received any reimbursement for any unused sick leave at the time of separation.

8.11 Use of Sick Leave

The absence of employees for the reasons stated below shall be charged against earned sick leave credits:

- (a) Illness or injury incapacitating the employees from performing their duties.
- (b) Employees who are unable to perform their duties due to temporary emergency or medical disabilities described above, are to submit documentation from their physician indicating the extent of the disability and the anticipated length of time before they are able to fully perform their job.
 - (1) Employees wishing to continue working during a temporary disabling condition must submit information from their physician which outlines the duties which they are able to perform.

- (2) Considering this information, Department Heads/Supervisors and the Human Resources Manager, with the assistance of the designated Town physician, if necessary, will determine if it is reasonable to temporarily restructure the job or if a temporary reassignment is available. If at any time it is not feasible to restructure or temporarily reassign work, employees will remain on paid leave or leave without pay if no leave balances are available.
- (3) Employees who are allowed to work with temporary disabilities must submit an attending physician's statement monthly. This statement must contain information concerning the physical condition as it relates to continued active service. This information may be reviewed by the designated Town physician to determine if active service will continue.
- (4) Department Head/Supervisors will closely monitor any employees who are allowed to continue work with a temporary disability. If any actions or behaviors which may indicate a worsening condition or signs of illnesses or injury should be observed, Department Heads/Supervisors must consult the Human Resources Manager.
- (5) When there is reason to believe that the disability may be permanent, prompt action should be taken by the Department Head/Supervisor, with assistance from the Human Resources Manager and designated Town physician, if necessary, to determine whether reassignment to compatible work is feasible (including transfer or demotion).
- (6) Based on the needs of the Department, employees who are unable to work for extensive periods of time due to disabling conditions may be placed in a conditional leave without pay status or dismissed, after appropriate Family/Medical Leave (FMLA) procedures have been completed.
- (c) An exposure to contagious disease such that presence on duty would jeopardize the health of fellow employees or the public.
- (d) Appointment for examination and treatment related to health (physician or dentist) when such appointment cannot reasonably be scheduled during non-work hours.
- (e) Sick leave with pay may be granted for illness to immediate family members or emergency medical appointments. For the purpose of sick leave, immediate family members are defined as an employee's wife, husband, child, mother, father, step-parent, mother-in-law, father-in-law, brother, sister, foster parents, grandparent, grandchild or step-child. Use of sick leave in this instance is intended to be a time of great need when it is impractical to get a relative, neighbor, or nurse to stay with the family member or when a sudden emergency requires immediate attention by the employee.

- (f) When employees are transferred, demoted, or promoted, all their unused sick leave balances remain to their credit as though no change has occurred.
- (g) A doctor's certificate which discusses the employee's ability to work during the period of absence may be required by a Department Head/Supervisor when the illness exceeds three (3) days or when there is reason to believe that there is abuse of the sick leave benefit. When such proof of illness is requested and is not presented, the Department Head/Supervisor may grant leave without pay or vacation leave, or may treat the absence as ground for disciplinary action.

8.12 Extraordinary Sick Leave

- (a) Where absence of a full-time permanent employee is necessary by serious and extended illness, injury, or disability, which is not related to the performance of duties, the Department Head/Supervisor shall investigate the circumstances including the procurement of a physician's certificate, if necessary, and if warranted, the Department Head/Supervisor may recommend in writing to the Town Manager that extraordinary sick leave with pay be granted to the employee. Should all of the employees' sick leave become exhausted, the balance of the leave may be charged to Compensatory Leave, Administrative Leave (if employee is a Department Head), Vacation Leave, Extraordinary Leave or Leave Without Pay in order listed. If the Town Manager considers extraordinary sick leave to be justified, he shall approve it for an amount not to exceed one-half working day for each completed month of service during the employee's total period of service. If extraordinary sick leave has been given once for any completed month of service, it may not be given for that month again.
- (b) Sick Leave Sharing Program – In the case of an extended illness or non-work-related injury to a fellow employee, a sick leave sharing program exists, whereby an employee may donate sick leave to a specific Town employee on an hour-for-hour basis upon the approval of the Department Head. No more than 16 hours may be donated by any one employee per calendar year. All donations must be within that employee's department as defined by the composition of the Employee Relations Committee. Generally, no more than eighty (80) hours may be received by any one employee within a 12-month period. Under special circumstances and only when recommended by the applicable Department Head and approved by the Town Manager, 80 additional hours may be donated and can come from other departments. The Town Manager will report to the Personnel Committee all sick leave sharing.
- (c) In order to receive donated sick leave, the employee must first provide a doctor's statement to his/her supervisor clarifying the degree of illness, to include the estimated length of the illness. In addition, the employee must first have exhausted all of his/her sick leave, annual leave and compensatory leave.

8.13 Family and Medical Leave Act (FMLA)

- (a) Under the Family and Medical Leave Act (FMLA) of 1993, an employee may be entitled to 12 weeks of job protected leave in a rolling 12 month period. The 12 month period is measured backward from the start date of an employee's request for family/medical leave.
- (b) Reasons for Leave
Leave may be taken:
 - (1) due to the birth of a child or the placement of a child with the employee for adoption or foster care (leave must be taken within 12 months of the event date);
 - a. Family/medical leave taken for the birth or placement of a child must be taken in one block of time up to 12 weeks, unless the employee and department head agree otherwise.
 - (2) for the employee to care for a spouse, child or parent who has a serious health condition;
 - (3) for a serious health condition that makes the employee unable to perform the essential functions of the job;
 - (4) for leave related to active duty or the call to active military duty of an immediate family member; or
 - (5) to care for a covered service member who has been injured in the line of duty, and who is the employee's spouse, child, parent, or next of kin.
 - a. This type of leave can be taken for up to 26 weeks during a single 12 month period.
- (c) Serious Health Condition – A serious health condition shall be defined as an illness, injury, impairment or mental condition that involves:
 - (1) Inpatient care in a hospital, hospice or residential medical care facility; or
 - (2) Continuing treatment by a healthcare provider; or
 - (3) In the care of a member of the Armed Forces, including a member of the National Guard or Reserves; an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
- (d) Notice to Employees – The town shall post a notice explaining the FMLA's provisions and provide information about filing complaints with the Department of Labor.

When an employee requests leave, Human Resources shall notify the employee of the employee's eligibility to take FMLA leave within two business days.

Human Resources will provide written notice detailing the expectations and obligations on the employee and will accompany this notice with any required certification form.

- (e) Qualification for Leave – To qualify, an employee must have been employed by the Town for at least 12 months (need not be

continuous) and must have worked at least 1,250 hours in the 12 months immediately preceding the start of leave.

- (f) Request for Leave – An employee is required to provide thirty (30) days notice to his/her department director if the absence is foreseeable. If the leave of absence is not readily foreseeable, this notification must be made as soon as practicable before the leave is to begin. Failure to give timely notice may cause leave to be delayed.
- (g) Certification of Leave – An employee will be required to provide certification for their family/medical leave request. The employee must provide the certification within 15 days of the leave request or the leave may be delayed or denied.

Should the Town disagree with the opinion given by the employee's health care provider, the Town reserves the right to solicit opinions from a second or third health care provider at its expense. Additionally, an employee is required to furnish the department director reports on the status, intent to return and recertification of the serious health condition at no greater than 30-day intervals.

- (h) Use of Accrued Paid Leave – Employees are required to use all available and applicable accrued leave, before leave without pay will be granted, as part of the 12 week family/medical leave. Usage of accrued leave will be consistent with established leave policies. Under family/medical leave, earned annual and compensatory leave may be used without restriction; earned sick leave may be used only for the qualified leave necessitated by the serious health condition of the employee, his/her spouse, child or parent.
- (i) Health Insurance Continuation – During family/medical leave, the Town will continue paying for health insurance coverage, as provided during active employment status. An employee on leave without pay must provide payment for their portion of the health insurance premium while on leave.
- (j) Return from family/medical leave – Employees will be returned to their original position or to a position with equivalent pay and benefits after family/medical leave. The Town will require a return to work medical certification if the leave was taken due to the employee's own medical condition. Prior notification is required before the employee may return to work.
- (k) Fraudulent Leave Requests – An employee who fraudulently obtains family/medical leave is not protected by the Act's restoration or maintenance of health benefits provisions and will be subject to appropriate disciplinary action up to and including dismissal.
- (l) Record Keeping – Human Resources is responsible for keeping records designating family/medical leave usage and must retain these records for at least three (3) years or until audit, whichever is greater. All medical certifications and other medical records must be forwarded to Human Resources and maintained in a separate file.

- (m) Family/medical leave and workers' compensation shall run concurrently, provided that the reason for leave is due to a qualifying serious health condition and the employer properly notifies the employee in writing that the leave will be counted as family/medical leave.
- (n) Rules for Husband and Wife Employed by the Town of Culpeper – A husband and wife who are both eligible for family/medical leave and are employed by the Town may be granted family/medical leave for a combined total of 12 weeks when the leave is taken for the birth, adoption, or foster placement of a child.

A husband and wife who are both eligible for family/medical leave and are employed by the Town shall be granted family/medical leave for a combined total of 26 weeks if the leave is taken to care for an injured service member.

- (o) FMLA Regulations – It is the intent that this policy comply with the Family and Medical Leave Act of 1993, as amended in January 2009. Any issue not specifically addressed herein or requiring greater definition will be reviewed with respect to the FMLA Regulations and Guidelines.

8.14 Sick Leave Reimbursement

Employees with five (5) years of service who leave the Town in good standing, shall be paid the sum of ten dollars (\$10) per day up to two hundred (200) days of their sick leave balance. If an employee should die while employed with the Town, this sick leave reimbursement will be paid to the same beneficiary as named on their Virginia Retirement System Life Insurance Form. This policy is retroactive for all employees presently employed with the Town.

8.15 Bereavement Leave (Full-time Permanent Employees)

Leave allowance with pay shall be granted to a maximum of three (3) working days immediately following the death of a member of the immediate family. The immediate family is defined as an employee's wife, husband, child, mother, father, step-parent, mother-in-law, father-in-law, brother, sister, foster parents, grandparent, grandchild or step-child.

8.16 Workers' Compensation

- (a) All injuries sustained during working hours, however slight, are to be reported immediately – "Slight" injuries could cause trouble later. If necessary, an employee shall seek medical treatment from a doctor listed on the Panel of Physicians.
- (b) Accidents or injuries by Town employees will be placed in two (2) categories, preventable and non-preventable. The Town's Safety Committee will review all the facts and circumstances surrounding the incident causing the employee's injury.
- (c) In the event of a compensable injury, defined as an "accident arising out of and in the course of the employment", an employee is entitled to compensation under the Virginia Worker's Compensation Act. Any payments made by the employer to the injured employee during the period of disability, or to his

dependents, which by the terms of this Act were not due and payable when made, may, subject to the approval of the Industrial Commission, be deducted from the amount paid as compensation; provided that in the case of disability such deductions shall be made by shortening the period during which compensation must be paid and not by reducing the amount of the weekly payment. Any employees entitled to Workers' Compensation will accrue annual and sick leave at their normal rate .

- (d) Personnel who are injured on the job and subsequently eligible for Workers' Compensation will not be permitted to use sick leave in lieu of Workers' Compensation benefits. Effective the date of the injury, regular pay will be stopped, and Workers' Compensation Insurance will become effective.

8.17 Prescriptions and Medical Supplies

When medication is prescribed for a work-related injury or illness, which has been determined to be compensable under Workers' Compensation, the following guidelines shall be followed:

- (a) Employees may deal with the pharmacist of their choice, but the statement must be made out in an employee's name, not in the Town of Culpeper's name. If the drug store approves credit, employees must bring the bill for the prescription to the Human Resources Department immediately so it can be forwarded to the insurance company for payment. The insurance company will pay the drug store directly in this instance.
- (b) If any employee pays for a prescription, the same procedure is followed, except the insurance company will reimburse the employee.
- (c) Occasionally, items other than prescriptions are necessary. The same guidelines shall be forwarded as for prescriptions.
- (d) The claim approval is an agreement between the insurance company (the Town's representative) and employees. For this reason, no purchases may be billed to the Town of Culpeper.

8.18 Job Related Disability Benefits

Under job related disability retirement, members are guaranteed as much as two-thirds of their average final compensation payable from the combined sources of the:

- (a) Virginia Retirement System
- (b) Workers Compensation, and
- (c) One-half of the employee's Social Security Benefits

In addition, persons who retire for job-related disability are entitled to a refund of contributions from their retirement funds. Further information is contained in the Virginia Retirement System brochures provided to employees.

8.19 Civil Leave

The Department Head/Supervisor shall grant employees leave of absence with pay, designated as civil leave, or any absence necessary; for serving on a jury, attending court as a witness under subpoena (as

long as the employee is not the defendant), or taking a test of fitness for military service. Employees must show the orders requiring such duty when they request leave. Employees may accept a jury fee.

8.20 Military Leave

- (a) Employees mobilized or ordered to active military duty will have their job status protected in full compliance with current Federal requirements, including fringe benefits as mandated by law.
- (b) All employees attending annual Reserve or National Guard active duty for training are entitled by State Law to not more than fifteen (15) work days of leave annually with full pay. This leave is not charged to the vacation leave of individuals. Weekly or monthly drills must be attended on the employee's own time.

8.21 Educational Leave (Full-time Permanent Employees)

- (a) Education leave may be granted to employees to follow a course of study related to their position with the Town. If leave is needed for three hours or less per week, employees may be granted time off with pay by their Department Head/Supervisor. If more time is needed, the Department Head/Supervisor may approve up to four months of educational leave without pay. Additional time may be approved by the Town Manager on recommendation of the Department Head/Supervisor.
- (b) In all cases, a written memorandum which states the action and circumstances shall be sent to the Town Manager as a matter of record.
- (c) Should the Department Head/Supervisor believe it to be in the Town's best interest to send employees on educational leave and pay part or all of their salary during that time, their budget must be able to absorb the cost, their work program must be able to overcome their employee's absence, and the request must be approved by the Town Manager. Once approved, employees shall sign a contract agreement to return to the Town service for a period equal to twice the length of time for which the paid leave was granted.
- (d) Employees who are approved by enrollment in a course of study leading to a degree are expected to remain in the service of the Town for one year after completion of all requirements for an Associate's, Bachelor's or Master's degree.

8.22 Administrative Leave

Administrative leave is defined as paid leave, not otherwise classified under the Town's leave policies, which is authorized by the employee's Department Head/Supervisor, subject to the approval of the Town Manager.

- (a) Administrative leave may be used for the following purposes:
 - (1) During the investigation of an alleged improper act by an employee which may result in formal disciplinary action;
 - (2) When the retention of an employee on active duty status may be detrimental to the interests of the Town or injurious to the employee, his/her fellow workers, or the general public;

- (3) During a breakdown of essential facility services such as heating, air conditioning, water or other problems wherein facilities must be closed and an employee is released early from work or not required to report to work;
- (4) During a period of equipment breakdown such that it is impossible for the employee to complete assigned tasks;
- (5) For other necessary reasons at the discretion of the Town Manager.

8.23 Leave Without Pay

- (a) Leave of absence without pay may be granted for personal reasons for periods beyond those allowable with pay provided the Department Head/Supervisor is willing either to allow the position for which leave is taken to remain vacant or to fill it by temporary appointment until the expiration of such leave. Leave of absence without pay shall not be granted for more than 12 months except for educational leave or military leave. No leave of absence without pay shall be granted for more than 90 working days unless recommended in writing by the Department Head/Supervisor and approved by the Town Manager. No leave of absence without pay shall be granted to accept other work.
- (b) Full-time Permanent employees, either probationary or full-time, who want to be granted leave of absence without pay for personal reasons such as protracted illness extending beyond Family/Medical Leave coverage, personal business, or travel must submit a request in writing to their Department Head/Supervisor for approval by the Town Manager.
- (c) Such leave should not be approved unless the employee has exhausted all vacation leave and compensatory leave. If such leave is approved for ten working days or more, a copy of the approval must be sent to the Town Manager. Persons who are absent for ten or more continuous work days shall have their anniversary date adjusted by the length of absence.

8.24 Unauthorized Absence

An unauthorized absence during required hours of work attendance, whether for a day or more or for any part of a day, shall be absent without leave. Such absences shall be without pay and may be made the grounds for disciplinary action. Where the conditions warrant and adequate reasons for failure to secure authorization prior to the absence are found by the Department Head/Supervisor, the absence may be authorized by a later grant of leave. If employees have three (3) consecutive work days, or five (5) accumulated work days of unauthorized absence within any 12 month period, their employment with the Town automatically terminates.

8.25 Virginia Retirement System (VRS)

The Town of Culpeper is a participating member in the Virginia Retirement System. This consists of a life insurance and retirement program.

- (a) Retirement coverage is mandatory for full-time permanent employees regardless of age.
- (b) All full-time permanent employees become members as soon as they begin work, as a condition of employment.

For further details of the benefits of the Virginia Retirement System, see the “Handbook for Members”.

8.26 Life Insurance

- (a) Employees covered by the Group Life Insurance Program are entitled to dismemberment, natural and accidental death benefits.
- (b) Dismemberment: If employees are covered by the Group Life Insurance Program, they have dismemberment insurance. If employees have an accidental loss of limb or eye, VRS-31 form “Claim Due to Accidental Loss” must be prepared and submitted.
- (c) Natural Death: In the event of natural death, the beneficiary will receive an amount equal to twice the employee’s salary when that salary is rounded up to the next higher thousand.
- (d) Accidental Death: In the event of accidental death, the beneficiary will receive double the normal death benefit. For example, if the employee’s annual salary was \$10,200 (rounded to \$11,000), the normal death benefit would be \$22,000, and the accidental death benefit would be an additional \$22,000.

8.27 Retirement

Full-time Permanent employees are automatically enrolled into the Virginia Retirement System (VRS). Information about the benefits available through VRS can be found at www.varetire.org or by contacting the Human Resources Department.

8.28 Health Insurance

- (a) All full-time permanent employees including those serving a probationary period are eligible for health insurance through the Town’s policy. The Town pays a portion of the premium for the employee and their families. Deductions for health insurance premiums will be established through the Town’s payroll system.
- (b) Employees will be provided coverage 30 days after the first day of work.
- (c) For a list of detailed coverage provisions, please review the provider’s benefit package provided by the insurance company or contact the Human Resources Department.
- (d) If an employee loses or leaves employment to include retirement, or if another event occurs that would cause the employee to lose coverage under the Town’s group health plan, the employee has the right to elect COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) coverage. COBRA gives you the right to stay in the employer’s plan for up to 18 months if you lose or leave your job, or if another event occurs that would cause you to lose coverage under an employer’s group health plan. If the employee elects COBRA coverage, the employee must fill out a new health insurance application. The employee pays payment for COBRA coverage directly to the Health Care Provider.

Currently, COBRA rates remain the same as the Town's, with a 2% Administration Fee added to this rate. Rates may change when new plans take effect.

- (e) Retirees under the age of 65 with at least ten (10) years of service to the Town are allowed to participate in the Town's health care program to include retirees and spouses at their own expense.
- (f) Retirees who are 65 and older with at least ten (10) years of service to the Town are eligible to participate in the Town's Medicare supplemental insurance program at their own expense.

8.29 Unemployment Compensation

- (a) Town of Culpeper employees who separate from employment are eligible to apply for unemployment compensation at their local office of the Virginia Employment Commission. After application is made, the Commission determines eligibility on an individual basis. Eligibility depends upon length of employment, reason for separation, employee's entitlement from other work sources, salary earned, etc.
- (b) The Town pays the entire costs of unemployment compensation. Employees do not share in the cost.

8.30 Uniforms

- (a) Some departments within the Town of Culpeper supply uniforms to, or give a clothing allowance for uniforms. Employees who work in Departments which supply uniforms are required to wear them as a condition of employment.
- (b) Upon approval from the Department Head, employees may wear Town approved tee shirts instead of their standard issue uniform shirt. The conditions for this substitution are as follows:
 - (1) It will be the employee's responsibility to maintain the tee shirts in such a manner that they will be clean and in good repair daily.
 - (2) The employee's supervisor will maintain the right to require the replacement of any tee shirts whose condition no longer projects a positive image comparable to that of a standard issue shirt.
- (c) Shorts issued by the Town of Culpeper as part of the uniform contract may be worn during the months of May, June, July, August & September. Shorts may not be worn while operating any type of power tool, grinder, welder, walk-behind lawn mower, weed eater, pipe saw, chain saw, etc., where the use of long pants or coveralls will offer additional protection to the legs. In addition, shorts may not be worn while in the vicinity of any energized conductors or devices or near any which have the potential to become energized unless covered by the flame retardant coveralls issued by the Town of Culpeper.
- (d) Footwear Safety Policy. This policy shall apply to all permanent, temporary, hourly, or seasonal employees listed in the departments below:

- Environmental Services Department, all employees except Laboratory Technician position and Administrative Secretary position;
- Public Works Department, all employees except Administrative Secretary position;
- Light & Power Department, all employees except Administrative Secretary position;
- Planning & Community Development Department, all employees except Office Assistant position, Planning & Zoning Assistant position, Zoning Administrator position and the Planner and Planner II positions;
- Police Department, Sworn Officers and Parking Control Officers shall wear approved public safety footwear per guidelines issued by the Police Department, which include: black, plain-toed shoes, quarter boot or boot, as approved by the Police Department and suitable for wearing with the police uniform.

Supervisors shall ensure employees assigned to these departments comply with the provisions of the footwear policy referenced in the Town of Culpeper's Safety Manual.

Reimbursement – All individuals employed in the departments listed above with the exception of the Police Department, will be responsible for the purchase of their safety shoes and meeting the established specifications as a condition of employment. After being employed for twelve (12) months, and upon verification by the employee's supervisor, the Town will participate in the cost of replacing safety shoes for permanent employees in the departments in not to exceed amount as set by Council. This reimbursement will be limited to one (1) pair of safety shoes per year from the date of last purchase and reimbursement by the Town. Reimbursement must be submitted within fourteen (14) days of purchase.

9.0 EMPLOYEE DEVELOPMENT AND EVALUATION

9.1 General Training Policy

The Town of Culpeper is committed to promoting a progressive training program for its employees. The Town Manager shall devise plans for, and coordinate with the Department Heads and other supervisory officials in the conduct of employee training programs to insure that service rendered to the Town will be more effective and that employees may become fully qualified for promotion to higher level positions. To accomplish these ends, cooperative arrangements may be made with other public agencies and educational institutions.

9.2 Reimbursement to Town Employees for Education

- (a) Town employees may be reimbursed up to 100% for educational expenses incurred for books, training aids, and tuition when taking course related directly to their work after the employee successfully completes the course. All books and related training materials become the property of the Town but may be retained by the employee for reference during their employment. The amount of reimbursement for educational expenses will be based on the availability of funds in the budget.
- (b) The Town actively supports and encourages this type of outside, off-duty study at local schools and colleges on the part of all employees. However, in order to clarify the administrative procedure for claims of reimbursement, the following guidelines are to be adhered to:
 - (1) The course must be in direct relationship to the employee's position and be taken for academic credit.
 - (2) Each Department Head will include in their annual budget an estimated amount of money for the program. It shall be the employee's responsibility to notify their Department Head by February 1st of each year if educational reimbursements are anticipated in the coming fiscal year beginning July 1st and the estimated cost of the same. The employee must achieve a satisfactory rating, or minimum grade of "C" or compatible grade, to qualify for reimbursement.
 - (3) The application for reimbursement consideration is to be submitted in writing ten days prior to the course start date, and is to include the course description and estimated cost of books, training aids and tuition. The application is to be routed through the Department Head for recommendation and preparation of a Purchase Request for appropriate funding. Determination of fund availability and appropriateness of amount will be determined by the Department Head and Town Manager. The application and purchase request will be forwarded to the Town Manager for approval. A purchase order will be issued for approved education expenses.
 - (4) Upon completion of the course, a copy of the grade report, paid books, training aids, and tuition receipts are to be submitted with the purchase order copy for reimbursement.
 - (5) Employees who are approved by enrollment in a course of study leading to a degree are expected to remain in the service of the Town for one year after completion of all requirements for an Associate's, Bachelor's or Master's degree.

9.3 Performance Evaluation Policy

- (a) Each employee of the Town of Culpeper will be evaluated as to their performance at least once a year. The evaluation shall be completed on the form furnished by the Town, by the employee's immediate Department Head/Supervisor, and reviewed by the Department Head with the employee and approved by the Human Resources Manager. In addition to the annual performance evaluation, the form may be used for probationary, semiannual and any special evaluations. Annual evaluation increases may be awarded to employees based upon the results of their evaluation. Such employee increases are based on a salary scale as approved by the Town Council.
- (b) Performance evaluations are based on twelve (12) working months, from the initial date of employment or last evaluation, except for semi-annual or other special evaluations.
- (c) Any employee who is absent from work for more than 176 consecutive work hours or more than 360 non-consecutive work hours (not counting approved use of vacation leave) in a year shall have his or her evaluation date adjusted forward to reflect the actual number of hours worked during the year based on a 2080 hours work year. This rule shall not, however, apply to individuals on military duty as mandated by law.

9.4 Over Maximum Pay Increase Policy

An over maximum award program has been established to provide an incentive for employees who have reached the top of their pay level. Over maximum awards are to be in three (3) year increments. To be considered for a over maximum award, employees will continue to be evaluated on an annual basis, as is currently done, and if all three (3) individual evaluations during the three year period would warrant a merit increase, then these employees would be eligible to receive the over maximum increase at the completion of the third year, upon the recommendation of their Department Head and approval of the Town Manager. The method for calculating the merit increase is to take the score received on each of the three (3) evaluations, take the sum of the scores and divide by three (3). There will be cases in which the "old" performance evaluation (pre 2005) and "new" performance evaluation (post 2005) will be used. To calculate, use the scores and merits from the respective evaluations. The new and old longevity scores are attached for your reference. Such employee increases are based on a percentage scale as approved by the Town Council.

10.0 EMPLOYEE TERMINATION

10.1 General Policy

It is the policy of the Town to maintain, in so far as possible, steady work and full-time employment, encourage efficient satisfactory employees to remain in the service of the Town, and make provisions through an adequate retirement system for those employees who are unable to work.

All separations are to be conducted in such a manner that those employees will leave without prejudice toward the Town. The responsibility of separating employees lies with the Department Head/Supervisor except that they shall consult with the Town Manager prior to the dismissal of any person (See Section 11.8)

10.2 Date of Termination

An employee's official date of separation is ordinarily the last day of actual work. Employees may not be placed on a leave status whether with or without pay when it is known that they will not return. Instead they must be separated at the end of the period required by Section 11.8. Employees will be paid a lump sum for all money due them, after adjustments for amount owed the Town. This policy may be modified when Federal and State funding requirements specify another procedure.

10.3 Resignation

Employees may resign from the Town service by presenting their written resignation to their Department Head/Supervisor within a reasonable time prior to the effective date. Such resignations may be withdrawn by employees at any time prior to the effective date with the approval of their Department Head/Supervisor. Resigning employees are strongly encouraged to give notice of termination a minimum of two weeks before the effective date and to submit a letter of resignation. Employees absent without notice for three or more consecutive days will be considered to have voluntarily resigned their positions.

10.4 Reduction in Force

- (a) When the Department Head/Supervisor determines that a position or positions are no longer needed, they shall so notify the Town Manager in writing, and the Town Manager shall prepare a list of the employees to be released.
- (b) The list of employees to be released shall be prepared in accordance with the order of reductions outlined below, on a Town wide basis.
 - (1) Provisional appointees
 - (2) Employees filling temporary positions, in inverse order of appointment
 - (3) Probationary employees in inverse order of appointment
 - (4) Full-time salaried employees in inverse order of seniority within the class.
- (c) When the Department Head/Supervisor feels that a certain individual is essential to the efficient operation of the department or agency because of special skills or abilities and wishes to retain this individual in preference of a person of greater seniority, they must set forth, in detail, the specific skills and abilities possessed by the individual and the reasons why such an individual is essential to the effective operation of the department. If the Town Manager approves this request, the specified individual may be retained in spite of a lack of seniority.
- (d) If two or more full-time employees have the same seniority in the class of position, the employee with the least seniority in the Town

service shall be laid off first. If two or more full-time employees are in the same seniority in the Town service, and they are in the same department, the Department Head/Supervisor of the employees affected shall determine the order of reduction. If they are employed in more than one department, the Department Head/Supervisor shall be allowed to determine the order of reduction, with the approval of the Town Manager.

- (e) When full-time employees have greater seniority in their current or higher class than a lower class within the same series of classification, they shall be demoted to the lower class and an employee in the lower class shall be demoted or laid off in accordance with this procedure.
- (f) When full-time employees have the least seniority in the class involved, but have more seniority in a lower class in the Town service, they shall be demoted to the lower class and an employee in the lower class shall be demoted or laid off in accordance with this procedure. Seniority in the lower class shall be determined as if the employee had remained in that class continuously. Full-time employees affected by the reduction in force under these provisions shall be notified in writing at least two weeks ahead of time.

10.5 Reduction in Force Not A Disciplinary Measure

Through the continuing process of employee evaluations and guidance, employees who are not giving satisfactory service should be separated by the appropriate method or transferred to a job where they can give satisfactory service. A reduction in force is not a proper means to terminate unsatisfactory employees. If employees are terminated as a result of a reduction in force, they go on the call back list, regardless of service ratings, and must be recalled before any original appointment can be made in that class for one year. It is therefore, apparent that unsatisfactory employees should be dismissed by the proper means and that employees who are separated through a reduction in force should not be made to feel that their work has been unsatisfactory.

10.6 Disability Termination

- (a) Employees may be separated for disability when they cannot perform the essential functions of the job because of a physical or mental impairment. The termination may be initiated by the employee, their legal representatives, or the Town, but in all cases it must be supported by medical evidence acceptable to the Town Manager
- (b) Employees who are terminated for disability reasons shall be so terminated within the provisions of the Virginia Retirement System and Social Security Administration.

10.7 Death

Separation shall be effective as of the date of death as confirmed by a death certificate. Payment for earned salary and for accrued vacation shall be paid to the beneficiary listed on the employee's VRS Beneficiary

Form. In the event there is no beneficiary form on file, payment will be made based on the Order of Precedence.

10.8 Employee Dismissal

Employees in the Town service may be dismissed for just cause at any time as described in Section 11.8, with notice to be given and appeal therefrom as provided in that section. The Town Manager shall have final authority for the dismissal of any employee to include general disciplinary action, notwithstanding the provisions of the Town's Grievance Procedures.

10.9 Exit Interviews

Upon separation, employees may be asked to participate in an exit interview, conducted by the Human Resources Department. This request is made in an attempt to gather information which may help toward reducing turnover and may result in better working conditions for other employees who follow. This is not an attempt to pry into the affairs of employees, but rather an attempt to increase efficiency and productivity as a result of suggestions they may make regarding the Town's operation. If an exit interview is conducted, employees are encouraged to answer all questions honestly and freely.

10.10 Checkout Upon Separation

Employees who resign, retire, or are discharged or laid off will be required to turn in any Town owned property, clothing or working materials to their Department Head/Supervisor no later than their final working day.

11.0 EMPLOYMENT CONDUCT AND DISCIPLINE

11.1 General Policy

- (a) It is the policy of the Town to act with integrity and justice toward all employees recognizing their individuality as human beings and their right to fair, decent, and understanding supervision. Employees are expected to comply with instruction, established policies, procedures, rules and regulations. The department Head/Supervisor is responsible for seeing that each employee does their job properly and in accordance with work regulations. They are also responsible for the employee's personal conduct on the job. In order to give them authority in line with their responsibilities, Department Heads/Supervisors shall carry out all disciplinary action, upon consulting with the Human Resources Manager.
- (b) Whenever employee performance, attitude, work habits, or personal conduct on the job at any time falls below a desirable level, Department Heads/Supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiation of disciplinary action.
- (c) In some instances, a specific incident may justify severe disciplinary action in and of itself; however, the action to be taken

depends on the seriousness of the incident and the whole pattern of the employee's past conduct and performance. The following types of discipline are available and shall be accomplished in the manner indicated: reprimand and warning, suspension, reduction in pay, demotion and dismissal.

11.2 Disciplinary Illustrations

The illustrations of unacceptable conduct cited below are to provide specific and exemplary reasons for initiating disciplinary action, and to alert employees to the more common-place types of employment conduct violations. However, because conditions of human conduct are unpredictable, no attempt has been made here to establish a complete list. Should there arise instances of unacceptable conduct not included in the following list, the Town may likewise find it necessary and appropriate to initiate disciplinary action in accordance with these policies and procedures.

- (a) Attendance
 - (1) Improper or unauthorized use or abuse of paid leave.
 - (2) Excessive absenteeism, regardless of reason, the effect of which disrupts or diminishes operational effectiveness.
 - (3) Being absent without authorized leave, or repeated unauthorized late arrival or early departure from work.
- (b) Behavior
 - (1) Willful or negligent violation of the Personnel Policies and Procedures, unit operation rules, or related directives.
 - (2) Failure to carry out a direct order from a superior, except where the employee's safety may reasonably be jeopardized by the order.
 - (3) Engaging in a conflict of interest activity.
 - (4) Conduct that discredits the employee or the Town, or willful misrepresentation of the Town.
 - (5) Conviction of a crime, including convictions based on a plea of nolo contendere or of a misdemeanor involving moral turpitude, the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of the employee.
 - (6) Knowingly falsifying, removing or destroying of information related to employment, payroll, or work-related records or reports.
 - (7) Soliciting outside work for personal gain during business hours; engaging in off-duty employment for any business under contract with the Town; participating in any off-duty employment that adversely affects the employee's performance of work for the Town; and engaging in unauthorized off-duty employment.
 - (8) Discourteous treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others.
 - (9) Conduct that interferes with the management of the Town's operations.

- (10) Violation or neglect of safety rules, or contributing to hazardous conditions.
- (11) Unauthorized removal or use of any Town property; or that of its customers, agents, etc.
- (12) Physical altercations.
- (13) Any act or conduct that is discriminatory in nature toward another persons' race, color, gender (including sexual harassment), disability, national origin, sexual orientation, age, religious beliefs or political affiliations.
- (c) Performance
 - (1) Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
 - (2) Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
 - (3) Refusal to accept reasonable and proper assignments from an authorized Department Head/Supervisor.
 - (4) Intoxication or incapacity on duty due to the use of alcohol or drugs.
 - (5) Driving under the influence of alcohol or drugs while on duty; suspension of driver's license where job duties require driving.
 - (6) Careless, negligent, or improper use of Town property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
 - (7) Unauthorized release of confidential information or official records.

11.3 Reprimand and Warning

- (a) It is the responsibility of the immediate Department Head/Supervisor to recognize and handle disciplinary cases. A conference is not only inevitable, it is desirable. It is the first (and often the only) step in the disciplinary procedure. This discussion, in which the Department Head/Supervisor tries to reach an understanding of the causes for the offense and to impress upon the employee the need for corrective action, is called an oral reprimand. It can eliminate misunderstandings immediately and set the desired standards of conduct and performance. An informal record is kept for oral reprimands.
- (b) Should oral reprimands fail to achieve improved behavior, it is likely a written record is needed. This is called a written reprimand. It discusses the nature of the employee's offense, the efforts made previously to correct the problem, and often it warns the employee of future actions that may be taken if the matter is not corrected. A copy of a written reprimand is to be sent to the employee and one must be sent to the Human Resources Department to be filed in their personnel folder.

11.4 Probation

Probation may be a restriction placed on an employee as a form of disciplinary action. This type of probation is not to be confused with the probationary status of a new employee or an employee who is transferred or promoted, although during either kind of probation the employee's work performance will be observed for improvement. Disciplinary probationary status is considered a trial period for the employee in order to determine, based on his/her work performance, if further disciplinary action is warranted.

11.5 Suspension

- (a) Suspension as the result of felony arrest
 - (1). Employees who are indicted and charged with the perpetration of a felony, may be removed from work during the period between the indictment or charge and the end of the trial. Removal shall be determined based upon the facts and seriousness of the charges placed against them.
 - (2). During the period of removal, employees shall be considered in a leave without pay status, except that they may request to use their accrued vacation or compensatory time if they wish. Upon conclusion of the court action or official investigation, the employee may be disciplined or removed, or may be reinstated with full, partial, or no back pay, as the Town Manager determines to be appropriate under the circumstances.
- (b). Other types of suspensions
 - (1). A Department Head/Supervisor, in conjunction with the Human Resources Manager, may, for cause, suspend employees without pay for a period not to exceed five work days. Notice must be given to the employees immediately, if possible, but not later than one day after the effective date of the suspension. Notices shall be in writing and shall state the grounds for the suspension and its duration. A copy of the notice must be sent to the Town Manager and Human Resources Manager.

Employees may respond in writing if they wish a copy of their rebuttal forwarded by the Department Head/Supervisor to the Town Manager. The only exception to this policy is for the Police Department, where the Chief of Police, in conjunction with the Human Resources Manager, can suspend an employee for up to a maximum of 20 work days for investigative purposes.

- (2). For a suspected major offense against Town policies, which requires more than a five day investigation, employees may be suspended as indicated in Section 11.5 above. The Department Head shall consult with the Town Manager and Human Resources Manager concerning the additional time needed, and shall notify employees of any extension or the suspension in writing from the Department Head/Supervisor or Human Resources Manager to the employees. The Town

Manager will determine the amount of time necessary for the extension.

11.6 Reduction in Pay

As a disciplinary measure, the pay of employees may be reduced. If this action is taken, written notice shall be sent to the affected employees stating the grounds for the action, the nature of the reduction and, if appropriate, an estimate of the date when they may expect their pay reinstated. A copy of the notice shall be sent to the Town Manager by the Department Head.

11.7 Demotion for Cause

- (a) When situations occur in which employees are unable to perform their present assigned duties, but are not hampered in their ability to work at lower paid related duties, the Department Head/Supervisor may demote them after consultation with the Town Manager. As in other disciplinary actions, the grounds for demotion shall be stated in a letter to the affected employees. A copy shall be forwarded to the Town Manager by the Department Head, and a copy placed in the employee's personnel folder.
- (b) Employees who are demoted will have their salaries reduced by five (5) percent or to the maximum of the next lower pay grade to which demoted, whichever is the lesser.

11.8 Dismissal

- (a) Dismissal is the most severe and permanent form of disciplinary action and should only be exercised with care and considerable prior thought. Any Department Head/Supervisor who proposes to dismiss a full-time employee shall make that recommendation to the Town Manager. Once the Town manager has decided to dismiss an employee, he or she must present the affected employee a written statement of the grounds for the action and the employees' appeal rights. The employee will have a brief opportunity at that time to state any reasons why he or she feels that termination is not appropriate.
 - (1) When an employee has been terminated by the Town Manager, the employee may have a right to file an appeal per the grievance procedure under Section 12.0 of this Handbook. Terminated employees, who are eligible for the grievance procedure, may skip steps one through three of this procedure and proceed with step four, panel hearing.
- (b) Dismissal is automatic when employees are absent for three (3) consecutive work days or five (5) accumulated work days within any twelve (12) month period without notifying the Department Head/Supervisor. In unusual cases in which employees could not have contacted a representative of the Town, reinstatement may be arranged with the Town Manager.
- (c) In situations where employees have been convicted of a felony while employed by the Town, dismissal may be used in such cases when the nature of the offense is such that the conviction conflicts with the conduct of the job.

12.0 GRIEVANCE PROCEDURE

12.1 Access to Procedure

Because many employee concerns or complaints can be resolved through communication between the employee and the supervisor, employees are encouraged to take their complaints informally to their supervisors and, if necessary, to upper levels of management as soon as possible. This informal process does not serve to extend the time frames identified in this procedure.

- (a) Coverage of Personnel – Except as identified below, all employees are eligible to file grievances with the following exceptions;
- (b) Exceptions/Exclusions
 - (1) Employees during their initial probation under Section 5.11 (a) of this Handbook
 - (2) Appointees of elected groups or individuals
 - (3) Officials and employees who, by charter or other law, serve at the will or pleasure of the Town Council.
 - (4) Employees whose terms of employment are limited by law.
 - (5) Temporary, limited term and seasonal employees.
 - (6) Town Manager, as Chief Executive Officer.
 - (7) Managerial employees; however, managers may file a grievance regarding disciplinary actions, to include dismissals, demotions and suspensions.
 - (8) Law-enforcement officers as defined in Virginia Code § 9.1-500 whose grievances are subject to the provisions of the Law-Enforcement Officers Procedural Guarantee Act and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedures in the resolution of his/her grievance.
- (c) Resignation

An employee who has voluntarily resigned may not have access to the grievance procedure after the effective date of resignation. However, any grievance initiated by an employee prior to separation from service may, at the employee's option, continue to be processed through the grievance procedure so long as it is determined grievable.
- (d) Grievance Initiated After Dismissal

An employee who has been dismissed shall not have access to the grievance procedure, except to grieve a termination resulting from formal discipline, unsatisfactory job performance, or a disciplinary action, which occurred less than 30 days before the removal.

12.2 Definition of Grievance

- (a) Grievable Issues

A grievance shall be a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:

- (1) Disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance;
 - (2) The application of personnel policies, procedures, rules and regulations, including the application of policies involving matters referred to in subdivision B.3 below;
 - (3) Acts of retaliation as the result of utilization of the grievance procedure or participation in the grievance of another Town employee;
 - (4) Complaints of discrimination on the basis of race, color, religion, gender, sexual orientation, political affiliation, age, disability, or national origin; and
 - (5) Acts of retaliation because the employee has complied with any law of the United States, the Commonwealth, or Town, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States, the General Assembly, or Town Council.
- (b) **Nongrievable Issues**
The Town shall retain the exclusive right to manage the affairs and operations of Town government. Accordingly, the following complaints are nongrievable;
- (1) Establishment and revision of wages or salaries, position classification or general benefits;
 - (2) Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
 - (3) The contents of ordinances, statues or established personnel policies, procedures, rules and regulations;
 - (4) Failure to promote except where the employee can show that established promotional policies or procedures were not followed or applied fairly;
 - (5) The methods, means and personnel by which work activities are to be carried on, including but not necessarily limited to:
 - (a) The provision of equipment, tools and facilities necessary to accomplish the task.
 - (b) The scheduling and distribution of manpower/personnel resources.
 - (c) Training and career development.
 - (6) Termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force, or job abolition; except where such actions affect an employee who has been reinstated within the previous six months as a result of the final determination of grievance. In any grievance brought under the exception to this paragraph, the action shall be upheld upon a showing by the Town that;
 - (a) There was a valid business reason for the action; and

- (b) The employee was notified of the reason in writing prior to the effective date of the action.
- (7) The hiring, promotion, transfer, assignment and retention of employee's position within the Town service;
- (8) The relief of employees from duties or taking action as may be necessary to carry out the duties of the Town in emergencies.
- (c) Time Frames
 - (1) It is intended that speedy attention to employee grievances be promoted, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.
 - (2) The time for submitting an initial complaint shall be within thirty (30) calendar days after the event giving rise to the grievance.
 - (3) Limits for steps after the initial presentation of a grievance shall be the same for the grievant as that which is allowed for management's response in each comparable situation.
 - (4) Time frames may be extended by mutual agreement of management and the grievant.
- (d) Compliance
 - (1) After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel hearing, shall result in a decision in favor of the other party on any grievance issue, provided the party not in compliance fails to correct the noncompliance within five (5) work days of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the Town Manager or designee.
 - (2) The Town Manager, at his option, may require a clear written explanation of the basis for just cause extensions or exceptions. The Town Manager shall rule on compliance issues, grievability and consistency with policy. Compliance determinations made by the Town Manager shall be subject to judicial review by filing a petition with the Culpeper County Circuit Court within thirty (30) calendar days of the compliance determination.

12.3 Management Steps

Employees may pursue grievable issues through the grievance procedure as provided below, and supervisors are encouraged to assist in this process. Any grievance of a termination shall begin at the fourth step, and the employee must provide the written statement of grievance on the Request for Grievance Hearing form within ten days. The Town Manager shall then make a determination of grievability under subsection

(a) First Step

An employee who believes he has a grievance and wishes to utilize this procedure shall discuss the grievance informally with his immediate supervisor within thirty (30) days of the occurrence of the incident giving rise to the grievance or within thirty (30) days

following the time when the employee reasonably should have gained knowledge of its occurrence. At this time, the grievance need not be submitted or resolved in writing, and a formal hearing is not required. Resolution of the grievance by the immediate supervisor shall be reached and communicated orally, or in writing, to the grievant within ten (10) calendar days.

- (1) The immediate supervisor is the individual who is responsible for evaluating the grievant's performance.
- (2) If the grievance deals with a charge of discrimination against the immediate supervisor, the employee shall be permitted to initiate the grievance with the next level of supervision.
- (3) The nature of the grievance and the specific relief requested shall be clearly stated.
- (4) Personal face-to-face meetings are required at all steps in the procedure.

(b) Second Step

If the grievant is not satisfied with and does not accept the First Step response or if the immediate supervisor fails to respond within the required time frame and the grievant wishes to advance Step Two of this procedure, the grievant shall reduce the grievance to writing on a Request for Grievance Hearing form (see Appendix III) (obtainable from the office of the Town Manager) and shall file the completed request form with his Department Head within ten (10) calendar days of receipt of the supervisor's response or the deadline for that response, whichever occurs first. The grievant shall specify the relief that he expects to gain through the use of the procedure. The Department Head or his designee, shall meet with the grievant and shall render a written response to the grievant within ten (10) calendar days of receipt of the Request for Grievance Hearing form, with a copy being sent to the Town Manager.

- (1) With the exception of the final management step, the only persons who may normally be present in the management step meetings, are the grievant, the appropriate Town official at the level the grievance is being heard, and the appropriate witnesses for each side.
- (2) Witnesses shall be present only while actually providing testimony.
- (3) At the final management step, the grievant, at his option may have a representative of his choice present.
- (4) Both the employee and the Town have the option of being represented by counsel.

(c) Third Step

- (1) If the employee does not accept the response from the Department Head (and the issue of grievability has not been raised), the employee should indicate on the Request for Grievance Hearing form the desire to advance the grievance to the third step. The employee must submit the completed form to the Town Manager within ten (10)

calendar days of receipt of the second-step supervisor's reply.

- (2) The Town Manager or his designee shall meet with the employee within ten (10) calendar days following the receipt of the Request for Grievance Hearing form.
 - (a) The employee, at his option, may have a representative of his choice present.
 - (b) Both the employee and the Town have the option of being represented by counsel.
 - (c) Appropriate witnesses shall be present only while actually providing testimony.
 - (3) The Town Manager shall give the employee a written response within ten (10) calendar days following the meeting.
 - (4) If the Town Manager is the immediate supervisor of an employee who has a grievance, then step one, two and three are consolidated into a single step. As provided in Section 12.3(D)(2) the employee may appeal a nongrievable management response to the Culpeper County Circuit Court for judicial review.
- (d) Determining Grievability of Issues in the Management Steps
- (1) If the first or second step management response indicates that a given issue is not grievable, the employee may appeal to the Town Manager, or his designee, who is responsible for rendering a decision on the grievability of issues. A ruling may be sought on some or all of the issues raised in a grievance.
 - (a) No town or county attorney for the Commonwealth shall be authorized to decide the question of grievability.
 - (b) If the Town Manager determines that the issue is grievable, the grievance can be pursued through the remaining steps.
 - (c) If the Town Manager or his designee determines that the issue is not grievable, he shall send a copy of the ruling to the grievant within ten (10) calendar days of the request.
 - (d) The employee may request on the Request for Grievance Hearing form, a decision by the Town Manager as to whether the issue qualifies for a panel hearing and provide such request to the Town Manager, or his designee, within ten (10) calendar days.
 - (2) If the issue is not qualified by the Town Manager, or his designee, the employee may appeal to the Culpeper County Circuit Court for a hearing of whether the grievance qualifies for a panel hearing.
 - (a) Proceedings for review of the decision of the Town Manager shall be instituted by the grievant by filing a notice of appeal with the Town Manager ten (10) calendar days from the date of

receipt of the decision and giving a copy thereof to all other parties.

- (b) Within ten (10) calendar days thereafter, the Town Manager, or his designee, shall transmit to the Clerk of the Culpeper County Circuit Court, a copy of the decision of the Town Manager, a copy of the notice of appeal and the exhibits.
- (c) The failure of the Town Manager, or his designee, to transmit the record shall not prejudice the rights of the grievant.
- (d) The court, on motion of the grievant, may issue a writ of certiorari requiring the Town Manager to transmit the record on or before a certain date.
- (3) Within thirty (30) calendar days of receipt of such records by the clerk, the court sitting without a jury shall hear the appeal on the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the Town Manager, or his designee, or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth (15th) day from the date of the conclusion of the hearing. The decision of the court is final and is not appealable.

(e) Fourth Step

Panel Hearing:

The final step in the grievance procedure is the panel hearing. For those issues qualified for a panel hearing by the Town Manager or the Culpeper County Circuit Court, the following procedures shall apply:

- (1) Selection of Panel Members
 - (a) A panel shall consist of three (3) members.
 - (1) One member appointed by the grievant
 - (2) One member appointed by the Town Manager
 - (3) Third member selected by the first two
- (2) In all cases the third panel member shall be the chairperson of the panel.
- (3) In the event that agreement cannot be reached as to the final panel member, the chief judge of the Culpeper County Circuit Court shall select the third panel member.
- (4) The panel shall not be composed of any persons having direct involvement with the grievance being heard by the panel or with complaints or dispute giving rise to the grievance.

The following personnel shall not serve as a panel member:

 - (a) Managers who are in a direct line of supervision of a grievant.
 - (b) Persons residing in the same household as the grievant.

- (c) Relatives of a participant in the grievance process or a participant's spouse.
 - (d) Spouse, parent, child, descendants of a child, sibling, niece, nephew or first cousin.
 - (e) No attorney having direct involvement with the subject matter or the grievance nor a partner, associate, employee or co-employee of the attorney.
- (5) The full panel selection should be completed by the tenth (10th) calendar day following receipt of the qualification decision. However, this time limit may be extended in instances where it is necessary to request that the circuit court judge appoint the third panel member.
- (f) Communications with Panel Members
 - (1) The parties shall not discuss the substance of the grievance or the problem giving rise to the grievance with any panel members prior to the hearing.
 - (2) A panel member is not to conduct an investigation into the substance of the grievance nor review materials not available to all panel members and parties. Any matters requiring the attention of the panel prior to the hearing should be communicated in writing to the panel with copies to all parties.
- (g) Prior To The Hearing
 - (1) The full panel will set the date, time, and place for the hearing, which should be held within ten (10) calendar days following selection of the full panel.
 - (2) The panel chairperson shall immediately notify the parties of the hearing date.
 - (3) The panel shall conduct the hearing in the locale where the employee is or has been employed, unless the panel unanimously decides that another location is more appropriate.
 - (4) The Town Manager, or his designee, shall provide each panel member with a copy of the Request for Grievance Hearing form and any attachments, Form B, and the Town's Grievance Procedure, prior to the convening of the panel. Other information may only be submitted at the hearing in the presence of all parties.
- (h) Rules For Panel Hearing
 - (1) Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures.
 - (2) Panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and at the request of either party, the hearing shall be private;
 - (3) The Town Manager will provide the panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents furnished to the panel and the grievant and his attorney at least ten (10) calendar days prior to the scheduled panel hearing, and shall be

allowed access to and copies of all relevant files intended to be used in the grievance proceeding;

- (4) The panel shall have the authority to determine the admissibility of evidence without regard to the burden of proof or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;
 - (5) All evidence shall be presented in the presence of the panel and the parties, except by mutual consent of the parties;
 - (6) Documents, exhibits and lists of witnesses shall be exchanged between the parties in advance of the hearing;
 - (7) The majority decision of the panel, acting within the scope of its authority, shall be final, subject to existing policies, procedures and laws;
 - (8) The parties may offer evidence and shall produce such additional evidence as the panel may deem necessary to obtain an understanding and determination of the grievance.
 - (9) The panel must decide procedural questions and rule on objections raised during the course of the hearing by majority vote. The panel may recess or continue the hearing to seek advice on the procedural question.
 - (10) The panel has no subpoena power to compel the attendance of witnesses.
 - (11) The panel chairperson shall specifically inquire of all parties whether they have any further evidence to offer or witnesses to be heard. Upon receiving replies, the chairperson shall declare the hearing closed.
- (i) After The Hearing
- (1) Panel Decision
 - (a) A panel's responsibility is to ensure the proper application of personnel policies and procedure.
 - (b) A panel is to decide cases on the merits, not on compliance matters, occurring prior to or during the panel hearing.
 - (c) The panel, in rendering its decision, shall be guided, but not necessarily bound by the relief specified by the employees. However, the relief granted must be consistent with written policy.
 - (d) A panel by majority vote, can uphold or reverse the action of the Town or in appropriate circumstances, may choose a modified remedy.
 - (e) The panel shall render its decision on Form B within ten (10) calendar days of the conclusion of the hearing. The reasons for the panel's decision must be set forth on Form B.
 - (f) The panel's decision shall be transmitted to the Town Manager, who in turn shall inform the employee in writing of the panel's decision. A copy

- of the decision may be given to the employee's supervisor.
- (g) The grievant must bear any cost involved in employing representation or in preparing their case.
- (h) The decision of the panel is final and binding and shall be consistent with written policy.
- (2) Implementation Of Panel Decisions
 - (a) The Town Manager is responsible for ensuring that panel decisions are implemented.
 - (b) Either party may petition the Culpeper County Circuit Court for an order requiring the implementation of the decision of the panel.
- (j) Authority

This grievance procedure is promulgated pursuant to Sections 15.2-1506 and 15.2-1507 of the Code of Virginia, and supersedes all grievance procedures previously issued. This procedure may be revised, changed or rescinded as allowed by statute.

13.0 AFFIRMATIVE ACTION PLAN

13.1 Purpose and Scope

The Town of Culpeper believes in and practices the principles of affirmative action and equal employment opportunity.

To further define the affirmative action philosophy of the Town, past actions, current activities and some new ideas are organized into this comprehensive statement to ensure that all employees are aware of, and understand the Town's policy. This statement constitutes the formal Town of Culpeper Affirmative Action Plan, further known as the AAP.

The Town Manager is assigned primary responsibility for the Affirmative Action Plan; all management personnel share in this responsibility.

The AAP contains the steps currently being taken to ensure that minorities and women are considered in all employment activities and plans for new actions which will emphasize the Town's equal employment environment. The activities outlined in the AAP are designed to explore every avenue of employee development to provide greater career potential for the individual and value to the employer. The AAP also provides assurance of full consideration to all citizens of the area for equal employment opportunities within the Town of Culpeper.

This AAP applies to the Town Manager, Department Heads and all employees of the Town of Culpeper.

Achievement of a minimum staffing pattern, equivalent to the minority population of the community, is a major goal of the AAP.

This goal is applicable to all position and will be reflected in recruitment and promotion efforts for all current and future vacancies.

The Affirmative Action Plan reaffirms that equal employment opportunity for all persons, regardless of race, color, religion, gender, sexual orientation, political affiliation, national origin, age, veterans status or disability is a fundamental policy of the Town of Culpeper.

The Affirmative Action Plan includes the involvement of minority businesses in the procurement process, to the extent possible. The Town will continue efforts to identify minority businesses in the area and, when possible, secure goods and/or services required by the Town from these vendors.

The AAP may require special affirmative action throughout the Town government in order to ensure the success of the program.

The AAP will affect all employment practices including (but not limited to) recruiting, hiring, transfer, promotions, training, compensation, benefits, layoffs and terminations.

Successful performance on affirmative action goals will provide positive benefits to the Town through fuller utilization and development of previously under-utilized human resources.

13.2 Responsibility For Affirmative Action

- (a) Responsibility of the Town Manager:
 - (1) Monitor the Written Affirmative Action Plan and internal/external communications procedures.
 - (2) Assist line management in analyzing employment data and identifying problem areas.
 - (3) Monitor internal audits and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed.
 - (4) Serve as liaison between the Town, government regulatory agencies, minority and women's organizations and other community groups.
 - (5) Assure the current legal information affecting affirmative action is disseminated to Department Heads, Supervisors and other responsible officials.

14.0 MANAGEMENT RIGHTS

These Personnel Policies are promulgated as a guide for management and employees of the Town of Culpeper. They are adopted for the purpose of ensuring that all Town employees are aware of their individual rights, job expectations, operating policies and benefits.

Should any section or part of these "Personnel Policies" be found to be illegal or outdated in a court of law, the decision will have no impact on the remainder of the policies.

Should State or Federal law supersede or override these policies, it is accepted that those laws or regulations are considered to be a part of these policies.

Management reserves the right to take action and make decisions as necessary on any personnel related issue which may not have been incorporated as a part of these policies.

15.0 IMMIGRATION LAW COMPLIANCE

The Town of Culpeper complies with the Immigration Reform and Control Act of 1986 and is committed to employing only United States citizens and those who are authorized to work in the United States.

APPENDIX I
**INFORMATION PERTAINING TO DRUGS, NARCOTICS
AND ALCOHOL POLICY**

INFORMATION PERTAINING TO DRUGS, NARCOTICS & ALCOHOL POLICY

TEST PROCEDURES IN GENERAL

The administration of the Drug and Alcohol Testing Program will be in accordance with the Department of Transportation Regulations, Federal Highway Administration and the Drug-Free Workplace Act of 1986. Detailed provisions are listed in the regulations regarding collecting, labeling, and transporting the sample. Specific requirements regarding confidentiality are also included. An Evidential Breath Testing device operated by a trained Breath Alcohol Technician (BAT) will be used to test for presence of alcohol. Urinalysis will be used for the detection of controlled substances. All employees tested will be required to sign an authorization and consent form releasing the information to the employer. The testing of the sample will be performed by a laboratory approved by the National Institute on Drug Abuse (NIDA), including a NIDA panel screening with gas chromatography/mass spectrometer (GC/MS) confirmation on all positive tests. The panel includes screening for amphetamines, marijuana, cocaine, opium, and phencyclidine (PCP). The cutoff level for each substance tested for, both drugs and alcohol, will be consistent with those currently recommended by the Federal Department of Transportation guidelines. The cost for all drugs/alcohol tests will be borne by the Town.

Any employee subject to testing under this plan will be permitted to provide urine specimens in a manner such that the employee is not observed while actually providing the specimen, unless there is reason to believe that the employee has altered or substituted the urine specimen provided. If it is determined that the employee has altered or substituted the urine specimen provided, the employee will be immediately terminated.

Failure to appear for testing without prior notice acceptable to the Town will be considered refusal to participate in the testing and will subject the employee to the full range of disciplinary action, up to and including termination; or in the case of an applicant, the rescinding of a conditional offer of employment.

When a confirmed positive test result for drugs has been returned by the laboratory, the tested employee will be given an opportunity to provide to the Town's Medical Review Officer (MRO) appropriate and corroborated information to demonstrate the confirmed positive test result is from a legally prescribed medication or other ingestion. Evidence to justify a positive test result may include, but is not limited to:

- 1) A valid prescription; or
- 2) A verification form the individual's physician's verifying a valid prescription.

If the MRO determines there is a lack of legitimate reason for the positive result, the result will then be considered a verified positive test result. The MRO will timely and confidentially notify the Human Resources Manager in writing of the verified positive test result. If the test results are positive the employee must be evaluated by a Substance Abuse Professional (SAP).

A Return-To-Duty test must be conducted prior to returning to the job. The employee will be subject to a minimum of six (6) unannounced follow-up drug tests in the first twelve (12) months following the positive result. The employee may submit a written request for a retest of the original specimen within 72 hours of being notified by the MRO. The retest will be at the employee's expense.

The laboratory may disclose laboratory test results only to the MRO. Any positive result which the MRO justifies by acceptable and appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of drugs will be treated as a negative test result and may not be released for purposes of identifying drug use/misuse.

If the result of the employee's alcohol test indicates a blood alcohol concentration of .02% or greater, but less than .04%, the employee will be suspended without pay and shall not be permitted to perform the duties of a position that requires a CDL for at least 24 hours and a retest that indicates a blood alcohol level (BAL) of less than .02%. If the blood alcohol concentration is greater than .04% the test is considered a positive result and the employee must be evaluated by a SAP. Return-To-Duty tests must be conducted prior to returning to the job. The employee will be subject to a minimum of six (6) unannounced follow-up alcohol tests in the first twelve (12) months. All positive tests will be confirmed by a second test. The results of these tests will be reported immediately to the Town Manager. A positive test result on any Return-To-Duty test will result in immediate termination.

All drug testing information specifically relating to employees and applicants is confidential and should be treated as such by anyone authorized to review such information. In order to implement this program efficiently and make information readily retrievable, the Town Manager's Office shall maintain all records relating to reasonable suspicion, suspicion of tampering with evidence, and other authorized documentation necessary to implement and maintain this program.

All records and information of any personnel actions taken on employees with verified positive test results shall be maintained in confidential and secured files in the Town Manager's Office and disseminated only to authorized individuals on a confirmed "Need to Know" basis as determined by the Town Manager.

GUIDELINES FOR REASONABLE SUSPICION TESTING

The following guidelines are provided as an aid in administering and enforcing the Town's Drug-Free Workplace Policy. They are not meant to cover every situation; however, they are designed to help avoid allegations of unlawful treatment. These guidelines cannot be used as a substitute for good judgment; each situation must be reviewed on a case-by-case basis. When a supervisor, in his or her judgment, has reason to believe that an employee has used and is under the influence of drugs or alcohol, the supervisor should ask his or her supervisor to corroborate the observations. The following examples, alone or in combination, may comprise reasonable suspicion. The list is not all inclusive.

- 1) Unexplained inability to perform normal job functions.
- 2) Slurred speech.
- 3) Smell of alcohol or drugs on breath.

- 4) Any unusual lack of physical coordination or loss of equilibrium.
- 5) Unexplained hyperactivity or depression and withdrawal.
- 6) Unexplained inability to think or reason at the employee's normal level.
- 7) Bizarre behavior.
- 8) Possession of alcohol or illegal drugs, or the presence of alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
- 9) Information provided by a reliable and credible person.

If during normal working hours reasonable suspicion is confirmed, the supervisor shall contact the Human Resources Manager to discuss the observations and to determine the appropriate course of action. If the employee is to be tested, the Human Resources Department shall make the arrangements with the Town's designated collection center for the necessary drug and/or alcohol tests. The employee will be transported to the testing site. If the reasonable suspicion is confirmed outside of normal working hours, then the supervisor shall arrange to have the employee transported to the approved collection center. For purpose of these guidelines, normal working hours are considered 0800 to 1700 hours, Monday through Friday.

If the employee refuses to be tested, the employee shall be immediately suspended from duty without pay and transported home. The refusal of an employee to submit to a reasonable suspicion test shall comprise insubordination and may be the basis for disciplinary action, up to and including termination.

The supervisor who orders a drug and/or alcohol test shall document, in writing within 24 hours of the observed behavior, the conduct giving rise to the reasonable belief of drug use. The documentation should include any statements made and any actions taken by any persons involved in the incident. All records should immediately be forwarded to the Town Manager.

For the purpose of maintaining a workplace free of drugs and alcohol, the Town of Culpeper will maintain the right to search the lockers, file cabinets, desks, other Town-owned or provided fixtures, and fixtures owned by employees but used for Town business.

WHAT ARE THE EFFECTS OF ALCOHOL AND DRUGS ON THE BODY?

ALCOHOL

Alcohol, a central nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse.

FACT: A 12-ounce can of beer, a 5-ounce glass of wine and a 1-1/2 ounce shot of hard liquor all contain the same amount of alcohol. Coffee, cold showers and exercise do not quicken sobriety. Each 1-1/2 ounce of alcohol takes the average body about one hour to process and eliminate.

Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink. In large doses, alcohol can dull sensation and impair muscular coordination, memory, and judgment. Taken in large quantities over a long period of time alcohol can damage the liver and heart and cause permanent brain damage. On the average, heavy drinkers shorten their life span by about ten years.

Other Effects:

- greatly impaired driving ability
- reduced coordination and reflex action
- impaired vision and judgment
- inability to divide attention
- lowering of inhibitions
- overindulgence (hangover) can cause: headaches, nausea, dehydration, unclear thinking, unsettled digestion and aching muscles

Marijuana

Marijuana is also called 'grass,' 'pot,' 'weed,' 'Mary Jane,' 'Acapulco Gold,' 'joint,' 'roach,' among other street names.

FACT: While alcohol dissipates in a matter of hours, marijuana stays in the body for 28 days.

Marijuana alters sense of times and reduces the ability to perform tasks requiring concentration, swift reactions, and coordination. The drug has a significant effect on judgment, caution, and sensory/motor abilities.

Other Effects:

- driving ability impaired for at least 4-6 hours after smoking one 'joint' (cigarette)
- restlessness
- inability to concentrate
- increased pulse rate and blood pressure
- rapidly changing emotions and erratic behavior
- altered sense of identity
- impaired memory
- dulling of attention
- hallucinations, fantasies and paranoia
- reduction or temporary loss of fertility

COCAINE

Cocaine is a stimulant drug, which increase heart rate and blood pressure. As a powder, cocaine is inhaled (snorted), ingested, or injected. It is known as 'coke,' 'snow,' 'nose candy,' and 'lady'. Cocaine is also used as free-based cocaine known as 'crack' or 'rock' which is smoked. It acquired its name from the popping sound heard when it is heated.

FACT: Many people think that because crack is smoked, it is 'safer' than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive substances known today. The crack 'high' is reached in 4-6 seconds and lasts about 15 minutes.

The most dangerous effects of crack is that it can cause vomiting, rapid heart beat, tremors and convulsive movements. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heart regulating center in the brain is also disrupted, dangerously high body temperature can occur. With high doses, brain functioning, breathing and heart beat are depressed, leading to death.

Other Effects:

- a 'rush' of pleasurable sensations
- heightened, but momentary, feeling of confidence, strength and endurance
- accelerated pulse, blood pressure and respiration
- impaired driving ability
- paranoia, which can trigger mental disorders in users prone to mental instability
- repeated sniffing/snorting causes irritation of the nostrils and nasal membrane
- mood swings
- anxiety
- reduced sense of humor
- compulsive behavior such as teeth grinding or repeated hand washing
- short-lived state of euphoria
- drowsiness followed by sleep
- constipation
- decreased physical activity
- reduced vision
- change in sleeping habits

PCP

Phencyclidine or PCP, also called 'angel dust,' 'rocket fuel,' 'super kools,' and 'killer weed' was developed as a surgical anesthetic in the late 1950's. Later due to its unusual sides effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today it has no lawful use and is no longer legally manufactured.

FACT: PCP is a very dangerous drug. It can produce violent and bizarre behavior even in people not otherwise prone to such behavior. More people die from accidents caused by the erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body.

PCP scrambles the brain's internal stimuli and alters how users see and deal with their environment. Routine activities like driving and walking become very difficult.

Low dose produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation, and convulsions.

Other Effects:

- Impaired driving ability
- Drowsiness
- Perspiration
- Repetitive speech patterns
- Incomplete verbal responses
- Blank stare
- Thick, slurred speech
- Involuntary eye movement

AMPHETAMINES

Amphetamines are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Some common street names for amphetamines are 'speed,' 'uppers,' 'black beauties,' 'bennies,' 'wake-ups,' 'footballs,' and 'dexies.'

FACT: People with a history of sustained low dose use quite often become dependent and believe they need the drug to get by. These users frequently keep taking amphetamines to avoid the 'down' mood they experience when the 'high' wears off.

Even small infrequent doses can produce toxic effects in some people. Restlessness, anxiety, mood swings, panic, heart beat disturbances, paranoid thoughts, hallucinations, convulsions, and coma have been reported. Long-term users often have acne resembling measles, trouble with their teeth, gums and nails, and dry dull hair. Heavy, frequent doses can produce brain damage resulting in speech disturbances.

Other Effects:

- Loss of appetite
- Irritability, anxiety, apprehension
- Increased heart rate and blood pressure
- Difficulty in focusing eyes
- Distorted thinking
- Perspiration, headaches and dizziness
- Short term insomnia

OPIATES

Opiates, including heroin, morphine, and codeine are narcotics used to relieve pain and induce sleep. Common street names are 'horse,' 'hard stuff,' 'morpho,' 'M,' 'brown sugar,' 'Harry,' and 'Mr. H.'

FACT: Heroin also called 'junk' or 'smack' accounts for 90% of the narcotic abuse in the country.

Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal, and cannot even be obtained with a physician's prescription.

Most medical problems are caused by the uncertain dosage level, use of unsterile needles, contamination of the drug, or combination of a narcotic with other drugs. These dangers depend on the specific drug, its source and the way it is used.

TOWN OF CULPEPER NEW EMPLOYEE ORIENTATION CHECKLIST

Return completed form to the Human Resources Department

APPENDIX III

Town of Culpeper Employee Grievance Procedure –Request for Grievance Hearing

TOWN OF CULPEPER
Employee Grievance Procedure
REQUEST FOR GRIEVANCE HEARING
Please Type or Print

Name of Grievant

Social Security Number

Job Title

Department

STEP 2 – Department Level Hearing – To be completed by the grievant at Step 2 only and filed with grievant's department.

1. Date of the incident giving rise to this grievance. _____
2. Date of the grievant's first awareness of the incident. _____
Explain on separate sheet if there is a time delay.
3. Have you had a Step 1 informational hearing with your immediate Supervisor?
____ YES ____ NO (Check one)
4. If yes, when? _____
5. Person(s) against whom this grievance is directed: _____

6. Specify the incident that resulted in this grievance. (Use separate sheets if necessary.)

7. Specify the policy(ies), rule(s), or regulation(s) at issue. (Use separate sheets if necessary.)

8. Specify the relief sought. (Use separate sheet if necessary.) _____

Signature of Grievant

Date Submitted

****To be completed by the grievant's supervisor****

Signature of Departmental Receipt

Date Received

STEP 3 – Town Manager Level Hearing – To be completed by the grievant at Step 3 only and filed with the Town Manager.

I wish to have my grievance heard at Step 3 (Town Manager) level. I understand that, by requesting to have my grievance heard at Step 3, I am giving up relief, if any, that was awarded to me at Step 2.

Signature of Grievant

Date Submitted

STEP 4 – Grievance Panel Hearing – To be completed by the grievant at Step 4 only and filed with the Town Manager.

1. I wish to have my grievance heard at the Step 4 (Grievance Panel) hearing. I understand that, by requesting to have my grievance heard at Step 4, I am giving up relief, if any, that was awarded to me at Step 3.

2. Name of grievant's panel member: _____

Address: _____

Telephone Number: (Home) _____ (Work) _____

Signature of Grievant

Date Submitted

APPEAL to CIRCUIT COURT

() I do not wish to appeal the Town Manager's disqualification and consider this grievance concluded.

() I wish to appeal the Town Manager's disqualification determination to the Culpeper County Circuit Court.

Employee's Signature

Date

EMPLOYEE INFORMATION REQUEST FOR GRIEVANCE HEARING for employees of the Town of Culpeper, Virginia

For further information contact:
Human Resources Department, Town of Culpeper, 400 S. Main Street, Culpeper, VA 22701

PROUD OF OUR PROGRESS, EXCITED ABOUT OUR FUTURE.

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